

# Law Enforcement News

Vol. XIII, No. 247

A publication of John Jay College of Criminal Justice

April 28, 1987

Not bad so far:

## Bias-related crime — the police response

By Jennifer Nialow

Last of three parts.

The bad news about bias-related hate crimes in the United States is that most forecasts for the future paint a gloomy picture. The good news, however, is that many citizens' advocacy groups are gratified — albeit cautiously — by law enforcement's continually improving response to the bias-crime problem.

While policing still has a long way to go in many respects before being able to handle the hate-crime issue effectively and sensitively, many observers assert that there has been marked improvement in police response.

In many quarters, law enforcement has traditionally been perceived as an adversary by minority groups whose fear of police make it unlikely that they will report a hate crime. Through patience and diligence, however, many city police departments, such as those in San Francisco and New York, have made considerable headway, even with groups as notoriously police-shy as the gay community.

### Open to Input

The Gay and Lesbian Anti-Violence Project conducts training sessions with the New York City Police Department's bias unit at least once a month. "The bias unit has been very open to input from the gay community," aid David Wertheimer, the project's director. "I've worked now with three commanders of the unit and they've all thought you have to be educated about the issue in order to respond."

"I've seen a definite improvement [in police response] since the

60's," echoed Elsie Scott, executive director of the National Organization of Black Law Enforcement Executives (NOBLE). "Back in the 60's in the South, there was some collaboration between the police and the perpetrators. Now I think you'll find very few if any police departments that are going to overtly participate with the perpetrators or a community to try to encourage bias crimes."

Improvements in police response may be due to law enforcement's growing awareness of how significant a problem bias crime is, said Joan Weiss, executive director of the National Institute Against Prejudice and Violence. "Law enforcement is increasingly aware of the importance of bias crimes," she said, "and is taking steps to engage in training and other efforts to deal with these kinds of crimes. There is very strong movement in that direction."

### The Method of Choice

Increased training in such areas as sensitivity, human relations and cultural differences appears to be the method of choice for police departments across the country that are trying to get a handle on bias crime.

For agencies like the Nassau County, N.Y., Police Department, the training is ongoing, "not just a one-shot deal," according to Insp. Kenneth Carey. In-service training is conducted periodically, and those promoted to detective, sergeant or lieutenant undergo pre-promotion training in the conduct of sensitive investigations and take refresher courses in law and department

**The law — and law enforcement — have come a long way in dealing with hate crime. Observers say they still have a long way to go.**

policy.

"Our thrust in our training is to insure that everyone in the department is aware of the seriousness of these acts, and we demand that everyone in the department treats them as serious crimes," Carey told Law Enforcement News. That the policy has "borne fruit," he added, is evident in the fact that some of the force's better arrests are made by uniformed officers rather than by detectives.

The Minneapolis Police Department also provides an ongoing training program relevant to hate crimes. According to Assistant Chief Bob Lutz, officers are given "specific information" about hate-motivated crime.

"We have a training division which solicits folks from different backgrounds to assist in training," he said. "We are sensitive to input from the ADL [Anti-Defamation League], and our Urban League has done some interesting stuff with us. If the crime is perpetrated against an in-

dividual or an entity because of different backgrounds, et cetera, it does take on special importance in Minneapolis."

### Training trainers

Members of the NYPD's bias unit undergo training in sensitivity and conflict resolution, and the unit has begun providing training sessions that will make bias unit detectives trainers in their own right. The detectives would, in turn, train veteran officers.

"We have a very good liaison, both formal and informal, with various groups throughout the city," said the unit's former commander, Capt. Donald Bromberg. "We sit down with the gay and lesbian groups, and we recently sat down with the Anti-Defamation League and the Urban League."

In Houston, a "very important part" of the police training program involves human relations, said Police Chief Lee P. Brown. "We think it's extremely important that officers do not make value judgments based on cultural differences but learn to appreciate them."

The department has also worked "day and night," Brown said, to promote strong relationships with city residents, about half of whom are members of minority groups. "Getting along with people is something which goes throughout our training curriculum. We're in the people business and we do involve community groups in our training."

### Empathy on the Victim

One department that has been widely acclaimed as having an excellent record in dealing with hate

crimes is the Baltimore County, Md., Police. Chief Neil Behan's philosophy of fighting bias-related crime places a great deal of emphasis on support for the victim.

"While fear remains in the heart of the victim, we have something to do," he said. "We keep tracing what the fear is, we keep working on it until it's neutralized. That may mean we have to put police in the area, that may mean we have to have many visits by police there, it may mean we visit others in the community to incite their interest — whatever it takes."

Complicating matters for police is the fact that bias crimes are often hidden under the guise of vandalism, arson or the destruction of property. A burning cross by itself may not constitute a major crime, but the real issue, Behan maintains, is the "fear which it generates in the hearts and minds" of those who have had a cross burned near their home or a swastika scrawled on a park bench.

While bias crime has been the topic of increasing media attention since the assault by white teenagers on three black men in Howard Beach, N.Y., last December, many departments with special policies or units have been fighting hate crimes since the late 1970's. In most cases, the departments got involved because of specific incidents, such as a spate of cross burnings in the case of Nassau County or the fear and brutality that Boston residents lived through during the

Continued on Page 6

## Chicago's revised tactics collar gang problem

In-depth narcotics investigations targeting Chicago street gang members has yielded some of the best results in breaking up the gang structure that the city's Gang Crime Unit has ever seen, according to the squad's commander, Edward Pleines.

In the past, Pleines notes, "We would run into a kid with drugs and we would arrest him and send him to court and that would be that case and we'd move to the next one."

Now, he said, the unit is sending undercover officers into areas notorious for drug trafficking by gangs to make as many as two or three drug buys from each individual member/dealer.

"We identify that street seller through undercover observation by gang personnel who know all these gang members," Pleines

said. "Say, if 'A' just bought from John Jones who is a member of the Cobras, we identified him, we do not arrest him. We keep this up and keep this up."

Under the new approach, the information is collected and turned over to the State's Attorney, who then secures indictments against the gang members and issues arrest warrants. "We can pick up the whole gang, then," said Pleines. "With [Operation] Potrock, we arrested 98 members of one street gang for selling narcotics. Of those cases that have gone to court so far, we have only lost one and we've been getting sentences of four to six years on the other cases. We try to put an entire operation down at one time."

When officers were arresting gang members for narcotics on the basis of individual buys, Pleines said, the arrestees would "get lost in the system" and the penalties are usually negligible. "Here, it's a hand-to-hand sale to a police officer on two or three occasions, and the judge looks at this very seriously as an organized criminal activity being conducted by a street gang."

In addition, if a gang member is indicted but continues to sell drugs, the unit can go "right back in" and make buys. "It is almost impossible for the judge not to give him a long sentence in that case," he said.

The new approach, devised by Pleines and the state's attorney's special gang prosecution section, has been in use for about three years. It is only in the last two years, however, that it has proven to be an major success. "We've

got the fine points down and we've been very successful with it," Pleines said. "We have numerous investigations of this type going on right now."

The conviction rate using the system, Pleines estimates, is about 96 percent.

During the first two months of 1987, the number of narcotics arrests increased by 16.1 percent, with 778 arrests this year compared to 670 in 1986.

"We're arresting more gang members than we ever did before, we're getting longer sentences than we ever did before, but we're having the same number of gangs that we did before," said Pleines.

Gang-related crime was down by 12.4 percent in January and February of 1987 compared to the same period in 1986. Homicides dropped by 11 per-

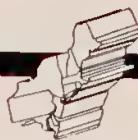
cent, robbery by .05 percent, battery by 10 percent, assault by 22 percent, burglary by 33 percent and thefts by 50 percent.

Pleines suggested that the Gang Crimes Unit's aggressive approach, coupled with increased community support, could be responsible for some of the decreases.

"It depends where you are looking at the problem," he said. "Last year we had a large increase in the amount of aggravated batteries. These are shootings. But they were in pocket areas and we addressed that. We put our forces there and CIN [Chicago Intervention Network] went down there and by the time the year ended, we were down on the amount of aggravated batteries from the previous year."

# Around the Nation

## Northeast



**CONNECTICUT** — A legislative panel has approved a bill to abolish the death penalty and substitute life in prison with no parole. If the bill is enacted, the state would be the first to bar capital punishment since it was ruled constitutional in 1976.

**MARYLAND** — Deputy Commissioner William F. Rochford of the Baltimore Police Department's Services Bureau retired recently after 38 years of service. He becomes the director of the Maryland State Lottery Agency.

**MASSACHUSETTS** — A police sting operation in Boston last month netted 106 state residents on insurance fraud charges, after they allegedly arranged to have their cars disappear with no questions asked. Police set up the Empire Auto Service to lure people who wanted to collect on their auto theft insurance.

**NEW JERSEY** — Twenty-one men alleged to be the hierarchy of the New Jersey branch of the Lucchese crime family went on trial last month in Federal District Court in Newark. The defendants, including the reputed boss and *underboss* of the organization, face narcotics, gambling and racketeering charges.

A new dress code took effect for the Camden County Sheriff's Department earlier this month, under which employees will be barred from wearing nail polish, tinted pantyhose and most jewelry.

**PENNSYLVANIA** — A state task force has called for tougher child abuse laws. The task force recommended changing child abuse from a misdemeanor to a felony and mandating tougher penalties for patronizing child prostitutes.

**RHODE ISLAND** — The governor's justice panel has reported that crime in the state rose by 4.4 percent in 1986, paced by a 5-percent increase in property crimes.

## Southeast



**FLORIDA** — Violence broke out in a predominantly black Tampa neighborhood April 6, hours after police announced the fourth death of a black man involving white police officers since November. Otis Bernard Miller, 35, stopped breathing and later died in hospital after two white officers, answering a suspicious-person call, wrestled him to ground to handcuff him on April 5.

**MISSISSIPPI** — Highway Patrol trooper Bruce Ladner, 33, was fatally wounded during a routine traffic stop April 12, becoming the eighth officer in the patrol's history to die in the line of duty. Ladner died after undergoing surgery twice for two wounds to the chest. Tracy Allen Hansen, 24, and Anita Krecic, 27, who are wanted in Florida for armed robbery, were charged in the murder.

**TENNESSEE** — The Crime Prevention Coalition and the Advertising Council premiered a new TV and radio ad featuring McGruff the Crime Dog in Memphis April 7. The ad, to be shown throughout the United States, was filmed in Memphis and involved local children in the spot. McGruff tells the kids, "Users are losers... and winners don't use drugs."

Cocaine-overdose deaths in the state rose last year to nine, from four in 1985.

## Midwest



**ILLINOIS** — The Chicago Police Department is looking for a few good dogs. The department announced the talent search last month in an effort to replace dogs who died or retired because they were too old to perform police work. The Canine Unit is not an equal-opportunity employer, however. Dogs must be male German shepherds between nine months and two years of age.

**MICHIGAN** — Cheryl Preston, a 10-year veteran of the Detroit Police Department, won a \$950,000 judgment earlier this month in a sexual harassment suit filed against fellow officers.

## Plains States



**IOWA** — The House Judiciary and Law Enforcement Committee last month approved a bill that would toughen penalties for manufacturing or selling harder drugs while reducing penalties for the possession of small amounts of marijuana. Persons convicted of selling cocaine or similar drugs to a youngster in a schoolyard would face a minimum of 10 years in prison under the bill. Penalties for possession of up to a half-ounce of marijuana would be reduced to 30 days in jail and a \$100 fine.

San-City Police Chief Michael Petricca, 29, was named last month to succeed the retiring Hans Dickinson as police chief of Webster City.

**KANSAS** — A death-penalty proposal failed in the State Senate earlier this month after six

senators changed their positions on the issue.

**NEBRASKA** — Omaha Police Capt. John Mitchell, who was fired as part of the chain of events that ultimately led to the dismissal of the police chief and the ouster of the mayor, returned to work April 13 after a six-month banishment. The new Mayor, Bernie Simon, approved Mitchell's rehiring after a review panel said the firing was improper.

**NORTH DAKOTA** — Police Chief Tim Pinkney of Napoleon said he was "in pain but in pretty good shape" after he was beaten when he surprised a burglar at a car dealership during a routine check.



**ARIZONA** — State officials last month announced plans to build a 400-bed prison in Tucson, financed largely by the proposed sale of a Yuma prison to the Federal government. Under a proposal from Gov. Evan Mechem's office, the unopened 250-bed minimum-security facility in Yuma would be sold to the Immigration and Naturalization Service, and the funds would be used to build a medium-security addition to the Arizona State Prison in Tucson.

Chuck Devine, a Yavapai County sheriff's deputy, last month became the town marshal in Camp Verde, the newest town in the Verde Valley. Devine, 53, is no stranger to the area, having been stationed in the Verde Valley since 1982.

**TEXAS** — Dr. Charles Friel, dean of the College of Criminal Justice and director of the Criminal Justice Center at Sam Houston State University, has been named the 1987 recipient of the O. J. Hawkins Award for Innovative Leadership and Outstanding Contributions in Criminal Justice Information Systems, Policy and Statistics. The award, presented by Search Group Inc., a Sacramento, Calif.-based consortium of criminal justice professionals based, will be formally bestowed on May 7.

**UTAH** — A former resident of Colorado City, Ariz., filed a \$1-million Federal suit in Salt Lake City last month, alleging that he was illegally arrested by a Colorado City policeman and transported across state lines. William Stubbs charged that Sam Barlow, a sergeant for the Colorado City police, arrested him in Utah for an alleged infraction in Arizona, despite the fact that Barlow, also a deputy town marshal in Hildale, Utah, is not a certified law officer in Utah. Barlow,

an avowed polygamist who is under investigation by the Arizona Law Enforcement Officer Advisory Council, declined to comment on the suit.



**CALIFORNIA** — Police seized nearly one ton of cocaine with an estimated street value of \$325 million last month, in what is believed to be the largest single drug bust in California history. The investigation that also led to the arrest of one Cuban and two Colombians began in early March, officials said.

The California Highway Patrol reported recently that California drivers last year drove more miles, had more accidents and received more tickets from the patrol than at any time since such records have been kept. More than 18 million licensed drivers chalked up 567,677 accidents and received more than 3 million traffic citations, of which 1.1 million were for speeding. However, the mileage death rate last year matched 1985's record low of 2.4 deaths for every 100 million miles driven.

**IDAHO** — The State Senate last month approved an anti-terrorism bill aimed at curbing the activities of white supremacists by making it illegal to teach paramilitary techniques.

## Law Enforcement News

John Collins  
Publisher

Marie Roaen  
Associate Publisher

Peter Dodenhoff  
Editor

Jennifer Nialow  
Staff Writer

April Doenges  
Subscriptions

Contributing Writers: Ordway P. Burden, Jonah Triebwasser

State Correspondents: John Angell, Alaska; Gerald Fare, George Felkenes, Tom Gitchoff, Joel Henderson, Ivar Paur, California; Walt Francis, Hal Nees, Colorado; Martin Murphy, Florida; John Granfield, Georgia; Ron Van Rensle, Illinois; Larry McCart, David Rathbone, Indiana; Daniel P. Keller, William S. Carcara, Kentucky; Joseph Bunc Jr., Robert Oompa, Maryland; Kenneth Bovasso, Nebraska; Hugh J.B. Cassidy, Steven Egger, New York; Martin Schwartz, Ohio; William Parker, Oklahoma; Jack Owling, Robert Kotzbauer, Pennsylvania; William J. Mathias, Larry McKinnick, South Carolina; Michael Braswell, Raymond Kessler, Tennessee; Oel Mortensen, Utah; Larry Fehr, Washington; Dan King, Wisconsin

Law Enforcement News is published twice monthly (once monthly during July and August) by LEN Inc. and John Jay College of Criminal Justice, 444 West 58th Street, New York, NY 10019. Subscription rates: \$18 per year (22 issues). Advertising rates available on request. Telephone: (212) 469-3892, 3816. ISSN 0364-1724

# Be the best that you can be — read the best in police journalism

LEN 13 247

Law Enforcement News brings you the broad, complex universe of policing 22 times each year, giving you a timely, comprehensive look at the news in a way no other publication can match. If you're not already a subscriber, you owe it to yourself to add LEN to your regular diet of essential reading. (And, if you pre-pay for your subscription, you can knock \$2 off the regular one-year price of \$18 — you'll pay just \$16.) Just fill out the coupon below and return it to LEN, 444 W. 56th St., New York, NY 10019.

Name \_\_\_\_\_ Title \_\_\_\_\_  
Agency \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

# States race enact new 65-mph speed limit

No sooner had the 1987 Federal highway appropriations bill survived a Presidential veto on April 2 than the speed limit on many Interstate highways leaped up to 65 miles per hour.

The old 55-mile-an-hour national speed limit went into the history books when 13 Republican Senators, torn between their loyalty to President and party and the political realities in their home states, refused to back President Reagan's veto of an \$87-billion highway bill, enabling the bill to be enacted into law.

With not a vote to spare, the veto was overridden in the Senate by a vote of 67 to 33, exactly the two-thirds majority that was needed. The House overrode the veto several days earlier.

Despite an impassioned personal appeal from President Reagan, who opposed "pork-barrel" funding provisions of the highway bill, a baker's dozen of senators including Steven D. Symms, Pete Wilson, Thad Cochran, Arlen Specter, David Durenberger, Alfonse D'Amato, Lowell Weicker Jr., Christopher Bond, John C. Danforth, Henry Hecht, John Heinz, Mitch McConnell and Larry Pressler, defied the President by refusing to change their votes.

Six of the 13 face re-election next year, including Nevada's Hecht, a champion of the 65-mile-an-hour amendment, who claims



New Mexico Gov. Garrey Carruthers and Highway Administrator Dewey Lonsberry install the state's first 65-mph speed limit sign on Interstate 25, just past the Old Pecos Trail exit.

Wide World Photo

he has gotten more mail on raising the speed limit than on any other issue. "I cannot cast a vote against my state," he said.

Many of the senators were angry that the President chose to make an issue out of a bill that is so popular in their home states. Senator Symms, an Idaho

Republican who proposed the legislation and has made a crusade out of seeing it passed, recalls meeting two boys, fans of President Reagan's, who asked him not to back down on the speed limit bill. "They said, 'Senator, the President's wrong on this one.'

We hope you'll stick to your guns."

and get a new highway bill and a new speed limit between [Boise] and Pocatello," he said.

In the few weeks since the bill's passage, several states have already enacted laws raising the speed limit to 65, and many others are expected to do so in the near future. Some states, such as Nevada, have turned the changing of highway signs into ceremonial occasions. In Sparks, Nev., the Governor led a ceremony putting up the state's first 65-mile-per-hour speed limit sign on Interstate 80. The new limit will cover a 390-mile stretch from the Vista interchange to the Utah state line.

The conversion of speed-limit signs has also begun in New Mexico, Colorado, Mississippi and Louisiana. "I've already talked to our sign people to see how fast they can get signs fabricated," said John R. Tabb, Mississippi's highway director.

The higher speed limit will take effect in Idaho on May 3, and in South Dakota on May 1. The increase is also expected to be approved in Arizona, California, Kansas, Michigan, Montana, Vermont, Wisconsin, West Virginia and Texas.

Several other states have

speed-limit bills pending in one or another house of the legislature. Changes in the speed limit are said to be unlikely in such states as New York, New Jersey, Massachusetts, Connecticut and Rhode Island.

A number of states have added extra wrinkles to their laws increasing the speed limit. Missouri, California and Michigan are said to be interested in keeping all trucks at the old 55-mile-an-hour limit on all roads. Arkansas's new 65-mile-an-hour signs are coupled with announcements of a 45-mile-an-hour minimum speed. State police departments and highway patrols in Louisiana, Tennessee and Iowa have said they will ticket drivers who exceed the higher limit by as little as one mile per hour. Officials in West Virginia and elsewhere have said that drivers will probably be able to get away with speeds up to 70.

Nearly 34,000 miles of Interstate highways are eligible for the higher speed limit under the provisions of the new Federal law. The National Safety Council, which has consistently opposed a higher speed limit, estimates that 500 more people will die in highway accidents this year as a result of the higher speeds.

## BJS warns of sloppy use of NCIC 'hot files' by police

Computerized "hot files" on missing persons and stolen vehicles, maintained by the FBI's National Crime Information Center (NCIC), have led to wrongful arrests and property seizures through sloppy handling, according to a study by the Bureau of Justice Statistics.

The NCIC, which as of last August held approximately 8 million records of wanted or missing persons and stolen property, was queried over 400,000 times a day by agencies in both the U.S. and Canada as of September 1985.

The files included records on more than 2 million stolen or recovered guns, 1.4 million stolen

articles, 1.2 million stolen vehicles, 616,000 stolen license plates, 249,000 wanted persons, 53,000 missing persons (mostly juveniles), 26,000 stolen boats, 1,300 unidentified persons and 253 Canadian warrants, according to the BJS report.

The files also contain information such as whether an individual is wanted for a criminal offense and whether they may be armed and dangerous, making the records invaluable to the street officer.

However, the report warned that even a small percentage of inaccuracy in maintaining the files "may result in the potential for

Continued on Page 7

## Pittsburgh police split on success of district mergers

Neighborhood leaders and police officials in Pittsburgh appear pleased with the consolidation of the city's nine police districts into five patrol zones, but the local Fraternal Order of Police, which has consistently opposed the idea, is calling the transition "chaotic."

Patrick McNamara, president of the FOP lodge, said such aspects of the merger such as one-officer police cars give only the illusion of enhanced police presence.

"It's all window dressing," he said. "The zones are too big, and we don't have enough manpower

to patrol them."

According to Public Safety Director Glenn Cannon, however, the one-officer car has contributed to a more visible police presence and quicker response time, although no data are available to prove it.

Since the merger, said the plan's architect, Assistant Chief Donald Aubrecht, an additional 33 police vehicles have increased visibility by 44 percent. In 1986, he said, there were a total of 66 two-man cars and wagons with only nine one-man cars. Currently, there are 66 one-man cars and

Continued on Page 7

## Federal File

A roundup of criminal justice-related activities within the Federal Government.



### The Senate

★ The lines are starting to shape up for one of the year's Congressional gun-control fights, and the focus of the gun lobby's ire is a bill proposed by New York Senator Daniel Patrick Moynihan to bar the manufacture and importation of .25- and .32-caliber ammunition. The Citizens Committee for the Right to Keep and Bear Arms, assailing the bill as "Moynihan's Monstrosity," said it was "a heavy-handed attempt to go through the back door and do what the anti-gun cabal in Congress has tried for years, unsuccessfully, to do through the front door, and that is to eliminate the right of law-abiding, individual American citizens to keep and bear arms." An aide to the Senator, conceding that the bill faced an uphill struggle, said its purpose was to take away a large, readily available segment of the pistols in use. One-quarter of all identified weapons fired at New York City police officers from 1975 to 1985 were of .25 or .32 caliber, the aide said.

### Law Enforcement Officers' Memorial Fund

★ The drive to erect a monument to police officers killed in the line of duty marked a significant fundraising milestone on April 2, when officials of the Borg Warner Corporation presented a \$20,000 check to Attorney General Edwin Meese III, chairman of the memorial fund's national sponsoring committee. The check from Borg Warner — the parent company of Wells Fargo and Burns International Security — represents the first corporate contribution to the memorial fund, which is seeking to raise \$5 million for the Washington, D.C., memorial.

### Federal Bureau of Investigation

★ Justice Department officials are said to have narrowed the list of potential candidates for the FBI Director's job down to an unnamed five individuals, including three Federal judges, but the list will apparently not include Rudolph Giuliani, the U.S. Attorney for the Southern District of New York. Giuliani, who was widely touted as one of the early front-runners for the FBI position, said recently that he had told the White House not to consider him for the job, based on his unwillingness to relocate from New York. Giuliani said that the only job he would be interested in besides the prosecutor's post he now holds would be that of manager of the New York Yankees.

# People and Places

## INS and outs

The Phoenix Police Department thought it had solved its need for a fingerprint identification technician, only to have the U.S. Immigration and Naturalization Service jump in and say "no way."

"For the past two years," said an angry Joe Collier, head of the department's crime lab, "the Phoenix Police Department has been forced to limit forensic services because of the unavailability of qualified applicants in this field."

Given the nagging problem, the police department was simply elated last fall when Nigel Davies, a fingerprint specialist with the London Metropolitan Police, applied for a position. Davies, who visited Phoenix while on his honeymoon, stayed around long enough to pass all the city's qualifying tests, two written exams and a polygraph.

The department said it would hire him and would petition Federal authorities to let him into the country.

"We fell in love with Phoenix," Davies told the *Arizona Republic*. "We saw a house we liked and everything. We were so high on starting a new life in America."

Unfortunately for Davies and the Phoenix Police Department, their hopes were shattered when INS said that Davies' skills were neither unusual nor exceptional enough to warrant admitting him to the country.

"We were devastated," said Davies, adding that he found it hard to accept that he would not be admitted. "Not trying to sound big-headed or boasting, but I feel I am good at my job," he said.

Collier wrote to INS, telling the agency to contact the American Embassy in London to help expedite the matter.

The agency not only refused to contact the embassy, it denied the police department's petition.

The profession of fingerprint examiner, INS declared, is not one of those for which exemptions are made such as they are for teachers, architects, engineers or lawyers. Exemptions are made for those in non-professional fields, but the criteria for such exemptions include "acclaim through critical review, the high level of demand for their services, and above-average level of

remuneration," according to immigration law.

Davies, to his regret, does not fall under any of those headings.

The laws are designed to insure that first priority for available jobs is given to U.S. citizens, currently no one seems to want to be a fingerprint specialist for the Phoenix Police Department, which has a 1,000-case backlog.

"We have a real problem recruiting for latent-print examiners," said Collier.

## Two for the road

The New York City Police Department's loss will soon be a gain for John Jay College of Criminal Justice, as the college adds to its staff two former New York police commanders who between them have more than 40 years of service and enough hair-raising stories to last a lifetime.

Within weeks of each other, Lieut. William F. McCarthy of the bomb squad and Lieut. Robert J. Louden of the hostage negotiation unit said farewell to the police department. They will soon be involved in the training of prospective and current police officers as part of John Jay's special programs department.

For Louden, the career change means more money and more time to spend with his family. McCarthy, who has been an instructor with the college's Criminal Justice Center for the past several years, sees the move as a natural transition from one career to another.

Louden, 42, joined the department in 1966 and became a patrol officer in lower Manhattan. His job as the department's hostage coordinator, which often entailed being abruptly awoken at early-morning hours, was actually a part-time job. His full-time assignment was commander of special projects in the detective bureau. Heading a staff of 30 sergeants, detectives and civilians, Louden coordinated detective training in such areas as homicide, kidnapping and hostage situations.

Louden has headed the 117-member hostage negotiation unit since 1981.

Louden quickly learned that hostage negotiations can sometimes stretch into days of trying to get hostage-taker and hostages out in one piece. His



## Reaching his limit

Deputy Marshal Leo "Dean" Groaa of the northwest Indiana town of Schneider stands in front of a local innovation, the 29-mpg speed limit sign. The town lowered the speed limit from 30 in order to keep the fines it collects. Said Groaa, "If I write a ticket on the state stat [30 mph], the state gets the money."

Wide World

longest ordeal, Louden recalls, was in 1982 when a prisoner attempting to escape from Kings County Hospital shot a corrections officer and took six people hostage. It took all of 48 hours to get everyone out safely.

Among his more bizarre incidents, Louden recalls trying to subdue a man with a machete taped to his wrist. The man was listening to loud rock and roll music which he said was giving him messages from Darth Vader on how to deal with the negotiator.

McCarthy, also a 21-year veteran of the force, became commander of the bomb squad in 1984. He was on hand last December when 15 sticks of dynamite were used to blow up the Margaret Sanger Abortion Clinic in Manhattan. "That was absolutely the largest bomb ever placed in an abortion clinic in the United States," he said.

McCarthy officially retires from the force in July and is now on terminal leave, the one month for every ten years of service that the department allows off for finding a new position.

Prior to heading the bomb squad, McCarthy was commanding officer of the Headquarters Unit of the Public Morals Division, a section of the department's Organized Crime Control Bureau. During his tenure there, from 1972 to 1984, McCarthy was involved in the running of nine different businesses as part of organized crime investigations.

"I ran a construction company,

a produce business, I sold untaxed cigarettes out of slot machines business, for a two-year period I was 'corrupt' — what they call a controlled pad where I had 20-percent ownership of two houses of prostitution," he said. McCarthy also ran a pornographic bookstore, got his partner kidnapped and was arrested for drug dealing.

McCarthy, who has both bachelor's and a master's degrees from John Jay, said that "if there was any next thing I should have been preparing to do, with a combination of police work and a being a speaker for the Criminal Justice Center, those two things ideally prepared me to take on this next job."

## Portland parting

On April 7, just 10 months after the resignation of Portland, Ore., Police Chief Penny Harrington, Mayor Bud Clark gave the boot to her successor, Chief Jamea Davia, for insubordination involving an audit of the department.

According to Chuck Duffy, a spokesman for Clark, Davis and the Mayor had a series of run-ins over the police department's share of the proposed 1988 budget. "Chief Davis wanted more resources proposed, and the Mayor's position was that he also would have liked to have proposed more resources but there just wasn't any more money to propose more resources," said Duffy.

An audit had been released to the city auditor that was critical of the department's management practices. While Clark wanted more efficiencies found in the department, Davis reportedly claimed that more resources had to be allotted rather than cut back.

The third strike was apparently an act of insubordination at a breakfest conference. Duffy said Davis had sent a letter to the auditor demanding copies of the support documents used in preparation of the audit and threatened to bring a lawsuit against her if she did not comply. "This notice was sent without notifying the Mayor," Duffy said. "At an early morning meeting the Chief and the Mayor had a discussion about that. The Mayor told the Chief he did not have the authority to carry out that litigation without his approval and the Chief said he did. They went round and round and ultimately the Chief was terminated."

Duffy noted that Davis said in his speech that he deserved to be fired because he could not accept the authority of the Mayor on the audit issue. Davis also announced his plans to challenge Clark in next year's mayoral election.

On the same day Davis was fired, Clark appointed Richard Walker, a former deputy police chief, to the chief's job.

Walker, 60, retired from the department in 1985 and had been Assistant Commissioner of Public Safety under Commissioner Dick Bogle when Clark brought him back to run the police bureau.

## What They Are Saying

"While fear remains in the heart of the victim, we have something to do."

Baltimore County, Md., Police Chief Neil Behan, outlining his perception of the scope of police response to bias-motivated crimes. (1:5)

# Court gives the plain facts about plain view

When Antonin Scalia donned the mantle of Justice of the United States Supreme Court, many hearty hosannas were



## Supreme Court Briefs

Jonah Triebwasser

heard throughout the law-enforcement community. Here, it was felt, was a true conservative who would rule in a manner that would put the lie to the Gilbert and Sullivan song and make the policeman's lot "an 'appy one."

However, as regular readers of this column know, it is always dangerous to predict how a Justice will rule once he obtains a lifetime appointment to our nation's highest court. President Eisenhower appointed a conservative California governor as Chief Justice and later regretted the nomination of Earl Warren as the biggest mistake of his Presidency. Former Ku Klux Klan member Hugo Black turned out to be one of the staunchest champions of individual civil liberties, and there are a score of other examples.

Keep in mind Webster's definition of a conservative as "one who is moderate, cautious and opposed to change" as we consider Justice Scalia's scolding of law enforcement about the plain meaning of plain view.

### Facts of the Case

On April 18, 1984, a bullet was fired through the floor of the apartment of James Thomas Hicks, striking and injuring a man in the apartment below. Police officers arrived and entered Hicks's apartment to search for the shooter, for other victims and for weapons. They found and seized the weapons, including a sawed-off rifle, and in the course of their search they also discovered a stocking-cap mask.

One of the policemen, an Officer Nelson, noticed two sets of expensive stereo components, which seemed out of place in the squalid and otherwise ill-appointed apartment. Suspecting the components to be stolen, he read and recorded their serial numbers — moving some of the components, including a turntable, in order to do so — and then reported the information by phone to his headquarters. Upon being advised that the turntable had been taken in an armed robbery, he seized it immediately. It was later determined that some of the other serial numbers matched those on other stereo equipment taken in the same armed robbery, and a warrant was obtained and executed to seize that equipment as well. Hicks was subsequently indicted for the robbery.

### Stereos Suppressed

The state trial court granted Hicks's motion to suppress the

evidence that had been seized, and the Court of Appeals of Arizona affirmed. It was conceded that the initial entry and search, although warrantless, were justified by the exigent circumstance of the shooting. The Court of Appeals viewed the obtaining of the serial numbers, however, as an additional search, unrelated to that exigency. Relying on a statement in *Mincey v. Arizona*, 437 U.S. 385 (1978), that a "warrantless search must be 'strictly circumscribed by the exigencies which justify its initiation,'" *id.*, at 393, the Court of Appeals held that the police conduct violated the Fourth Amendment, requiring the exclusion of the evidence derived from that conduct. Both the trial court and the Court of Appeals rejected the state's contention that Officer Nelson's actions were justified under the "plain view" doctrine of *Coolidge v. New Hampshire*, (citation omitted). The Arizona Supreme Court denied review, and the State of Arizona filed a petition of certiorari to the United States Supreme Court.

### A Moving Experience

In affirming the suppression of the evidence, Justice Scalia outlined in the Court's opinion the legal theory that supported his ultimate judgment:

"As an initial matter, the State argues that Officer Nelson's actions constituted neither a "search" nor a "seizure" within the meaning of the Fourth Amend-

ment. We agree that the mere recording of the serial numbers did not constitute a seizure. To be sure, that was the first step in a process by which respondent was eventually deprived of the stereo equipment in and of itself, however, it did not meaningfully interfere with respondent's possessory interest in either the serial numbers or the equipment, and therefore did not amount to a seizure. See *Maryland v. Macon*, 472 U.S. 463, 469 (1985)."

Officer Nelson's moving of the equipment, however, did constitute a "search" separate and apart from the search for the shooter, victims and weapons that was the lawful objective of his entry into the apartment, according to Justice Scalia. Merely inspecting those parts of the turntable that came into view during the latter search would not have constituted an independent search, because it would have produced no additional invasion of Hicks's privacy interest. See *Illinois v. Andreas*, 463 U.S. 765, 771 (1983). But taking action, unrelated to the objectives of the authorized intrusion, which exposed to view concealed portions of the apartment or its contents, did produce a new invasion of Hicks's privacy that was unjustified by the exigent circumstance that validated the entry.

"It matters not that the search uncovered nothing of any great personal value to the [defendant] — serial numbers rather than [what might conceivably have been hidden behind or under the equipment] letters or photographs. A search is a search, even if it happens to disclose nothing but the bottom of a turntable," wrote Scalia.

### Was Search Reasonable?

The remaining question is whether the search was "reasonable" under the Fourth Amendment.

On this aspect of the case the Supreme Court rejected, at the outset, the apparent position of the Arizona Court of Appeals that because the officers' actions involving the stereo equipment were unrelated to the justification for their entry into Hicks's apartment (the shooting), it was *ipso facto* (by the fact itself) unreasonable. That lack of relationship always exists with regard to action validated under the "plain view" doctrine; where action is taken for the purpose justifying the entry, invocation of the doctrine is superfluous. *Mincey v. Arizona*, *supra*, in saying that a warrantless search must be "strictly circumscribed by the exigencies which justify its initiation," 437 U.S., at 393, was

Continued on Page 7

## Statistical look at police honesty

Over the past decade the public's confidence in the honesty and ethical standards of police officers has increased significantly.



## Burden's Beat

Ordway P. Burden

So says the Gallup Poll, which found that, in 1985, 47 percent of Americans rated the police high or very high for honesty and ethics — an increase of 10 percentage points since 1977.

That tidbit is gleaned from the "Sourcebook of Criminal Justice Statistics 1985," which tells you everything you want to know — and then some — about crime and punishment statistics. It's a publication of the Justice Department's Bureau of Justice Statistics.

The 47-percent rating of police honesty in 1985 placed the cops seventh in a list of selected occupations. Not surprisingly, clergymen led the list, with 67 percent of Americans rating their honesty and ethics as high or very high. Then came pharmacists, medical doctors, dentists, college teachers, engineers and

policemen. In eighth place, but trailing the police by 10 percentage points, were bankers. Further down the list were journalists, funeral directors, business executives and politicians.

The Gallup Poll broke down its 1985 study of the public's perception of police honesty and ethics by the respondents' age, sex, region, race, education, politics, occupation, income and religion. There was only one surprise. As might be expected, whites and those with higher incomes and education levels had a higher opinion of police honesty and ethics than blacks, the poor and the less educated. The police were regarded most highly by Easterners (51 percent) and the least highly by Midwesterners (43 percent).

The surprise — at least in this corner — was that young people had a slightly higher opinion of police ethics than their elders.

Respondents in the crime-prone age bracket of 18 to 24 gave the police a 51-percent approval rating, the highest vote of confidence for any age category.

The Sourcebook reported that confidence in police integrity also appears to be growing among high school seniors. In the class of 1975, 37.6 percent said there were "considerable" or "great" prob-

Continued on Page 7

## Police Ethics:

### Hard Choices in Law Enforcement

#### Edited by

William C. Heffernan

and

Timothy Stroup

"This book is a major contribution to the body of information about police ethics. The issues raised in these essays are ones which the police must address with as much knowledge and reflection as possible."

— Patrick V. Murphy

Including insightful, incisive essays on:

- ★ The police and rules of office ★
- ★ Whistle-blowing and loyalty to one's friends ★
- ★ Police discretion ★
- ★ Police undercover operations ★
- ★ Privacy ★
- ★ Deadly force and capital punishment ★
- ★ Police and electoral politics ★
- ★ Affirmative action ★
- ★ Sexual integration in policing ★

Hardcover: \$21.95

Paper: \$16.95

Available from The John Jay Press, 444 West 56th Street, New York, New York 10019. (212) 489-3592.

# Proactive & reactive approaches to bias crime

Continued from Page 1  
ty's school desegregation in the mid-70's.

## From Harassment to Murder

In the late 1970's, Nassau County experienced several cross burnings when black families moved into racially insulated neighborhoods. Since 1979, the police department there has worked with the community to keep the lid on racial and religious disharmony.

"We have experienced everything from harassment up to and including murder," said Inspector Carey, the police department's Coordinator of Bias Incident Investigations. "The problem with bias crime is that it makes neighbors suspicious of each other. It causes problems in the community and these things, if not addressed, could escalate to much more serious problems."

In the event of a hate crime, Carey has the authority to use every available resource in the department. "When the crime occurs, as soon as the first officer arrives, he immediately calls for detectives and a crime scene search unit," said Carey. "That is on every bias crime."

As with Nassau County, the police in Baltimore County don't take any chances when a bias crime occurs. The crime is investigated immediately and then evaluated by the intelligence unit for confirmation of the bias motive. Said Behan, "What law enforcement should be doing and what they largely are not doing is taking every crime initially reported as possibly racially or ethnically motivated and then, upon investigating it, if it is true, locate the victims and work with them."

Houston's Chief Brown established a written policy for handling bias crimes soon after taking up his post there in 1982. When a hate crime occurs — and Brown is quick to note that it is a rare occurrence in Houston — both the community services division and the intelligence division spring into action and the matter is brought to Brown's attention immediately.

"There are certain things that I as chief want to be notified of," Brown said. "That's one of them. My policy is to make sure that it is a top priority."

At the Minneapolis Police Department, the written policy is that "an assault is an assault unless it is perpetrated against the person because of color, religion or creed," according to Assistant Chief Lutz. The Minneapolis Department reports bias crimes separately, as well.

"If a Jewish synagogue is vandalized and a neighborhood theater is vandalized," Lutz said, "both of them will receive damage-to-property reports, but the desecration of a church or temple would be reported and specifically indicated by our special investigations unit." That, Lutz said, has been the policy since he joined the force 19 years ago.

## Credibility and Status

The NYPD sent a signal to the local law enforcement community last month when Captain Bromberg was replaced as head of the bias-incident unit by Insp. Michael Markman, whose rank is two steps above captain.

Markman said the higher rank helps when speaking to borough commanders, because they are on the same level. "Not that they can't speak to a captain," he noted, "but it just gives me a little more credibility within the department, which is important in terms of getting resources, and also when you are dealing with the public."

The department's bias unit has always held a special status, said Markman, in that it reports directly to Chief of Department Robert J. Johnston. The unit can quickly get its hands on resources because it does not have to deal with a multi-layered bureaucracy. "When you are dealing with the chief of the department, you get things done quickly," Markman said.

The inspector is hopeful of expanding the bias unit in the near future beyond its current 12 detectives and 2 supervisors.

## Proactive vs. Reactive

The nature of bias-motivated crime has forced some departments to take a proactive, preventive approach to the problem, which often includes educational programs for both police and students along with problem-oriented deployment of officers.

Since bias acts are most often carried out by teenagers, according to Nassau's Inspector Carey, the department established a program called STOP (Students and Teachers Opposed to Prejudice).

STOP, a two-day educational effort begun in 1982, is presented in the county's junior high schools. "We go into any school, public and private, and it includes a video tape, a police officer and a social studies teacher," said Carey, who is a strong advocate of the proactive approach.

New York's Inspector Markman would like to see educational programs on prejudice and hate crimes built into the School Program to Educate and Control Drug Abuse (SPECDA), a cooperative endeavor of the police department and the New York City Board of Education. That program involves visits by police officers to elementary school classrooms to speak to students about drugs.

"I see a correlation between drug abuse among youngsters and bias-motivated incidents," said Markman. "One, they are usually not done solo. If you find someone starting off on drugs, he doesn't experiment alone, he does it with other people his own age. In the more violent bias-motivated incidents, the assaults, you're also going to find a small or large group of individuals."

And, Markman said, bias-crime offenses, like drug use, call into question the offender's decision-making ability, judgment and im-



Crime-scene photo of a swastika painted on the front door of a Jewish family's home in Nassau County. Some departments train their officers to recognize this as more than mere vandalism. Nassau County P.D.

pressionableness.

Given the conceptual similarities, Markman said plans are in the works to have SPECDA include some lessons on prejudice. "Since we're dealing with a young, fertile mind and we're telling them about the dangers of drugs, and we use these three arguments as part of it, than we should also introduce them to the problems of bias crime. You have the group right there, you could do two things at once."

## Black and Gay-Bashing

In San Francisco, the commander of the Mission District Precinct, Capt. Michael Lennon, has to use problem-oriented approaches to insure that black teenagers traveling through the city's predominantly gay area along Castro Street do not harass gay and lesbian residents.

"There are a lot of problems with young, black males when the busing is coming through," Lennon said. "There is a lot of physical money in the Castro district, people dress well, it's real fancy. Kids who are coming out of a ghetto and being bused to the other side of town to go to school and then are bused back to a ghetto. They see all this, and there is unfortunately some resentment, and you better believe that causes problems."

Lennon began putting plain-clothes officers on the buses, leading to the virtual elimination of the problem.

Of the 150 officers who work under Lennon, about 30 are either homosexual or especially sensitive to the homosexual community. There is an open transfer

policy for all personnel in the department's nine precincts, said Lennon, and all the officers who work in the Mission District Precinct choose to do so freely.

"Gay officers are able to get more out of the victim because the victim is still reluctant, as sympathetic as we might be. By the simple expediency of having gay officers, we are able to do that," he said.

The precinct also enjoys a close relationship with a homosexual advocacy group called Community United Against Violence (CUAV). According to CUAV's senior client advocate, Randy Schell, Lennon's precinct sends all reports of anti-gay violence over to his office. If CUAV gets a dispatch, then a gay or lesbian officer or one who is gay-sensitive will take the report.

"Those are pretty positive elements," Schell said.

## Defining the Problem

There are departments, however, which contend that it is difficult to plan a proactive strategy when a bias-crime problem is difficult to detect or define. Such departments typically depend on strict and evenhanded enforcement of the law as a solution to any immediate problem and for the deterrent effect it may have for offsetting future troubles.

Durango, Colo., Police Chief Chris Wiggins said his department tries to make enforcement as equitable as possible, while taking into consideration the special needs of a population which is 20 percent Hispanic. And with the town surrounded by Indian reservations, there are

also a more than a few Native Americans in the area.

"We treat everybody the same no matter what," he said. "We've got a lot of Mexicans here, and we have a lot of people on the streets who can speak Spanish. We take extra efforts to understand their problems."

For Police Chief Bob Cecile Lander, Wyo., the problem is one of "heavy prejudice" between Indians and whites. "The only thing we've done from a proactive stance," he noted, "is enforcement of the laws."

Several years ago, Cecile said his department began working to correct an imbalance in the way laws were enforced for whites as for Indians. The move showed Indians that they were not being singled out for arrest, and sent white residents a message that they would not get away with harassing Indians.

"They [white residents] realize that it is something not acceptable, that it is a deviant behavior they cannot get away with," Cecile said.

But beyond aggressive and uniform enforcement of the law, Cecile maintains that it is very hard for law enforcement to do much prior to a bias-crime incident. "If you had a proactive approach I could use it'd be happy to hear it," he said. "I haven't heard a proactive approach that could deal with this problem."

## Increasing Training Levels

Advocacy groups and law enforcement executives alike generally support increasing recruit and in-service training in both sensitivity and in the identification and handling of bias crimes, among other measures.

"In New York City the biggest problem is the education of police officers about what constitutes a bias crime incident," said David Wertheimer. "Not all officers are even aware of the fact that the bias unit in the city will take gay and lesbian cases."

While the bias unit is a wonderful thing, said Wertheimer, "the most critical piece of a police department's response to bias crime is the first officer on the scene."

Police departments, said Joar Weiss of the National Institute Against Prejudice and Violence, should provide recruit and in-service training in the identification of bias crimes, as well as means of dealing with specific incidents.

Echoing that theme, David Wertheimer recalled that during a role-playing session his gay rights task force conducted with the NYPD, a class of 40 officers came up with 15 to 20 different definitions of what a bias incident consists of. "There needs to be a much more uniform understanding in New York City and every place that has a bias unit," Wertheimer told LEN.

On the West Coast, too, there is a perceived need for additional sensitivity training for police. Randy Schell of San Francisco's

Continued on Page 13

# Police Foundation, BJA to host free seminars

Police departments with existing specialized units — or looking to establish them — may have unexpected benefactors in the Police Foundation and the U.S. Bureau of Justice Assistance, which are jointly sponsoring a series of free workshops on selected topics beginning in June.

James D. Ginger of the Police Foundation said his organization has been working closely with BJA for the past six months "to try to develop a really tight training and technical assistance package to departments who are working towards encapsulated management techniques."

The program will provide information, consultation and training

for agencies that are considering implementing Integrated Criminal Apprehension Programs (ICAP), sting operations, or specialized units dealing with arson, white-collar crime and organized crime.

"What we've tried to do," said Ginger, "is go back through the developmental stages of each one of these different programs, such as ICAP, and pick up what we now know from experience worked well, weed out what hasn't worked well and distill the quintessential pieces of a good program."

The first of five training workshops will be held in Denver from June 1-3. The first session

will focus on "ICAP: Modern Law Enforcement Management Strategies."

Information packages compiled and disseminated through the foundation and BJA will include bibliographies providing references to the most current research available on the five program areas; briefs offering introductions to crime control strategies that have been given BJA's stamp of approval; guides that identify the "principal planning processes for developing and implementing programs in the five crime control areas" and the most recent information from journals, monograms and other publications.

The consultation facet of the program will include referrals to model projects in the crime control categories; telephone consultations to answer questions that may not warrant a site visit, and one-on-one site visits to "resolve troublesome problems, to foster innovative local strategies and to assist effective project management."

In addition to the ICAP

seminar in June, other workshops will include: "The Burning of Our Cities: Confronting the Problem of Arson Control," Chicago, June 29-July 1; "Sting: Confronting the Problem of Property Crime," Phoenix, Sept. 21-23; "ICAP: Modern Law Enforcement Management Strategies," Boston, Nov. 16-18, and "Organizing to Deal with Organized Crime: The Management Challenge," Fort Lauderdale, Fla., Dec. 7-9.

## NCIC's 'hot file' problems

Continued from Page 3  
42 two-man vehicles.

Once-skeptical community groups are now said to share the police management's exuberance over the restructuring.

"Initially, there was a lot of uncertainty about the effectiveness of this plan," said Richard Swartz of the Bloomfield-Garfield Development Corporation. "But in our area, there's been a definite improvement."

There's a greater police presence around the clock and several crime problems have been addressed."

Cannon admitted that there are still a few kinks to be worked out in the consolidation, such as too many patrol cars arriving at a crime scene on occasion. Aubrecht characterizes that problem as modest, however. "At least that shows the desire of the police officers to give service,"

he said.

The increased number of police officers in each of the larger patrol areas also allows commanders greater flexibility in deployment. A number of officers can now be assigned to a troubled area, officials said, without stripping the rest of the zone of its officers.

In addition, police commanders say, the higher number of patrol sergeants has resulted in better supervision of patrols.

Continued from Page 3  
thousands of inaccurate hits each year and possibly a large number of wrongful arrests and wrongful seizures of vehicles and other property."

While no data have been collected on the number of wrongful actions, research showed over a dozen recent court cases involving issues of personal liability or challenges to the admissibility of evidence seized in connection with arrests based on faulty NCIC information or state system responses.

Most states, the report said, should institute quality controls over the files to avert such problems.

While most states have enacted "specific authority for a designated state agency to maintain a statewide criminal history record system," said the study, only a small number have statutory provisions designed to insure the quality of information in those files.

An important step toward assuring that information in the files is current would be to enact a provision which would require the timely cancellation of wanted person reports and stolen vehicle records when they are no longer valid, so that improper information is not entered or continued in the NCIC, said the report.

## Scalia scolds police on meaning of 'plain view'

Continued from Page 5  
addressing only the scope of the primary search itself, and was not overruling by implication the many cases acknowledging that the "plain view" doctrine can legitimize action beyond that scope.

The Court then turned to application of the plain-view doctrine given the facts of this case. "It is well established that under certain circumstances the police may seize evidence in plain view without a warrant," *Coolidge v. New Hampshire*, 403 U.S., at 465 (plurality) (emphasis added). Those circumstances include situations "[w]here the initial intrusion that brings the police within plain view of such [evidence] is supported... by one of the recognized exceptions to the warrant requirement," *ibid.*, such as the report here of shots fired.

But, Scalia notes, under the facts of this case, the police had no probable cause to believe that the stereos were evidence of any criminality. Only the serial numbers linked the equipment to a crime and those serial numbers were clearly not in plain view since the officer had to move the equipment to find them.

### New Probable Cause Standard

Heretofore, the Supreme Court had not ruled on the question of whether probable cause is required in order to invoke the "plain view" doctrine. Dicta in *Payton v. New York*, U.S. 573, 587 (1980), suggested that the

standard of probable cause must be met, but the Court's later opinions in *Texas v. Brown*, 460 U.S. 730 (1983), explicitly regarded the issue as unresolved, see *id.*, at 742, n. 7 (plurality); *id.*, at 746 (Justice Stevens concurring in judgment).

"We now hold that probable cause is required," wrote Scalia. "To say otherwise would be to cut the 'plain view' doctrine loose from its theoretical and practical moorings. The theory of that doctrine consists of extending to non-public places such as the home, where searches and seizures without a warrant are presumptively unreasonable, the police's longstanding authority to make warrantless seizures in public places of such objects as weapons and contraband." See *Payton v. New York*, *supra*, at 586-587. "And the practical justification for that extension is the desirability of sparing police, whose viewing of the object in the course of a lawful search is as legitimate as it would have been in a public place, the inconvenience and the risk — to themselves or to preservation of the evidence — of going to obtain a warrant." See *Coolidge v. New Hampshire*, *supra*, at 468 (plurality).

Dispensing with the need for a warrant is worlds apart from permitting a lesser standard of cause for the seizure than a warrant would require, i.e., the standard of probable cause, the Court noted. "No reason is apparent why an object should routinely be seizable on lesser grounds, during

an unrelated search and seizure, than would have been needed to obtain a warrant for that same object if it had been known to be on the premises."

### True Conservative

Justice Scalia proved himself to be a true constitutional conservative when he answered the question posed by one of the dissenters in this case, Justice Powell, who asked, "What should Officer Nelson have done in these circumstances?"

According to Scalia, "[t]he answer depends, of course, upon whether [Officer Nelson] had

probable cause to conduct a search, a question that was not preserved in this case. If he had, then he should have done precisely what he did. If not, then he should have followed up his suspicions, if possible, by means other than a search — just as he would have had to do if, while walking along the street, he had noticed the same suspicious stereo equipment sitting inside a house a few feet away from him, beneath an open window. It may well be that, in such circumstances, no effective means short of a search exist. But there is nothing new in the realization that the Constitution

sometimes insulates the criminality of a few in order to protect the privacy of us all. Our disagreement with [Justice Powell and the other] dissenters pertains to where the proper balance should be struck; we choose to adhere to the textual and traditional standard of probable cause."

(*Arizona v. Hicks*, No. 85-1027, decided March 3, 1987.)

*Jonah Triebwasser is a former police officer and investigator who is now a trial attorney in government practice. He is a member of the Bar of the Supreme Court of the United States.*

## Statistical nuggets for police

Continued from Page 5  
affirmative response and 28 percent in the negative. Among those who answered "yes" or "not sure" in 1984, over 90 percent approved of a policeman fighting back if a citizen threw the first punch. More than 70 percent said it was okay if a citizen was trying to escape from custody, but only 15 percent approved a cop's hitting a citizen who was merely abusing him verbally.

¶ The public's fear of crime continued to increase even in years when the crime rate was declining. Forty percent of Americans perceived crime as increasing in 1983 and 1985, which followed

years in which the crime rate actually dropped. (Fear of crime had peaked in 1975 and again in 1981 when 70 percent of Americans said they believed crime increasing — as in fact it was.)

¶ Seventy-two percent of Americans favored capital punishment for murderers in 1985. That was a considerable rise over the 40 percent who approved the death penalty in the mid-1960's, when the Supreme Court had ruled existing state laws on capital punishment to be unconstitutional. But after the Court said execution was legal under certain circumstances, the public's approval reached 74 percent in 1982, before dropping slightly by 1985.

¶ A total of 1,031 Federal, state and local law enforcement officers were killed from 1974 to 1983. The most dangerous situations were: robbery in progress or pursuit of suspects (174 officers slain); attempting other arrests (159 slain); traffic pursuits and stops (129); answering disturbance calls to face a man with a gun (126), and investigating suspicious persons or circumstances (106 deaths).

*Ordway P. Burden is president of the Law Enforcement Assistance Foundation and chairman of the National Law Enforcement Council. He welcomes correspondence to his office at 651 Colonial Blvd., Washington Twp., Westwood, NJ 07675.*

# Forum

**Landers:**

## Why the Feds are cutting state and local aid

By William J. Landers

The State and Local Law Enforcement Assistance Act of 1986 authorizes the Bureau of Justice Assistance to "make grants to the States, for the use of States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act. . . ."

It also authorizes assistance for programs that improve the apprehension, prosecution, adjudication, detention, and rehabilitation of drug offenders; for eradication programs; treatment programs, and programs to focus on major drug offenders.

The Fiscal Year 1987 appropriation for the program is \$225 million, with the bulk of the funds — \$178 million — allocated for formula grants to the states. Each state is eligible to receive \$500,000, with the balance of funds allocated according to the state's relative population.

The Bureau of Justice Assistance has moved swiftly to implement this program. In doing so, BJA has been careful to obtain the maximum amount of input from Federal, state and local agencies and to avoid Federal intrusiveness and red tape.

Early in November 1986, only a few days after the President signed the bill into law, BJA sent information describing the state and local aspects of the *Anti-Drug Abuse Act* to all governors, as

well as to the directors of the state offices that administer the justice assistance block grant programs. On January 6, 1987, BJA announced the first awards of administrative funds, totaling more than \$2.9 million, to seven states and the District of Columbia to allow these jurisdictions to begin to establish their Federally-assisted drug law enforcement programs.

By March 23, 1987, 24 more of these administrative awards had been made. The total amount in administrative funds awarded so far is almost \$11 million. The administrative funds comprise 10 percent of the state's total allocation under the program. Before receiving its full award, the Act requires each state to submit to BJA a statewide strategy for enforcing its drug laws. This statewide strategy must be prepared in consultation with state and local drug officials.

The Act also authorizes BJA to administer a new discretionary grant program for drug control initiatives. The discretionary grant program is designed to enhance state and local efforts in drug control through national and multistate programs in the legislatively defined areas.

To help establish priorities for discretionary grants under the new program, BJA asked for recommendations from more than 800 agencies. BJA also contacted other Federal agencies in an at-

tempt to avoid duplication of effort and to identify drug programs that, based on research and evaluation, are likely to be successful. BJA expects to make the first discretionary grant awards in early summer.

The Bureau of Justice Assistance has done an admirable job of implementing the new state and local narcotics control assistance program quickly, efficiently and with a minimum of red tape for participating state and local governments. The Department of Justice is confident that this Federal seed money will help state and local governments to coordinate and improve their drug enforcement efforts so that they can then continue to build upon these efforts with state and local funds.

The Administration has requested no funds for this grant program for Fiscal Year 1988. In crafting its Fiscal Year 1988 budget, the Department of Justice has taken care to insure that adequate resources are provided for its core functions — those functions that can only be carried out on the Federal level. Scarce Federal dollars should be used for uniquely Federal functions.

Congressman Rangel has introduced a bill, H.R. 1411, that would increase the appropriations authorization for the state and local drug law enforcement program to \$675 million for Fiscal Years 1988 and 1989. We, of course, must oppose such a measure because of the increasing Federal deficit, and for the reasons I have mentioned. But we will continue to work closely with state and

local governments in our fight against drugs.

The Department already administers a major program that significantly assists the states in their drug enforcement efforts — the Asset Forfeiture Program. We believe the equitable sharing of assets seized from drug dealers and others and forfeited by them is a better way for the Federal Government to assist the states and localities. Sharing for Fiscal Year 1986 is estimated at \$24 million, with an FY '87 projection to top \$30 million. When the President's FY '88 budget was prepared, this form of assistance for states and localities was taken into account. We believe this type of sharing should be the approach taken with regard to states and localities, and should replace the award of out-and-out Federal grants.

These types of grant programs were never intended to be sources of permanent, ongoing funding for local programs. And with the huge Federal deficit, we simply must look to other ways to support local programs without added costs to taxpayers, whether that be equitable sharing of forfeited assets or new and aggressive forfeiture programs undertaken by the states themselves.

*William J. Landers is a deputy associate attorney general with the U.S. Department of Justice. The foregoing article is adapted from his recent testimony before the House Judiciary Subcommittee on Crime.*

## Other Voices

*A sampling of editorial views on criminal justice issues from the nation's newspapers.*

### A test for drug testing

"Where does it end. A plausible case is made for random drug testing of airline pilots, bus drivers and others in transportation with the safety of passengers in their hands, but then the argument is somehow extended to jockeys who have only someone's \$2 bet in theirs. So extensive has testing become that a manmade black market has developed for drug-free urine samples. Now what the editor of the *Journal of the American Medical Association* has labeled 'chemical McCarthyism' has reached the schoolhouse. U.S. Attorney General Edwin Meese last week made a quantum leap in reasoning by asserting that if public transportation workers are being tested, then schoolteachers should be, too. As he framed the issue: 'A railroad engineer who uses drugs directly endangers the lives of his passengers. But can one say that drug use by a teacher is any less dangerous, even though its effect may be less immediate?' There is no questioning a teacher's power to influence a child's mental or emotional well-being. But testing teachers across the board for a single possible cause of inadequate performance — while not practicing similar checks for far more common factors like alcoholism and mental illness — would be impractical as well as unjust. Drug abuse is a serious problem, but in combating it society must retain a sense of proportion. When one considers some of the overreactions to the drug problem — proposals that overlook some of Americans' most basic rights and protections — you are left wondering who is being more strongly affected by these illegal substances, the users or those trying to control them."

— *The Pittsburgh Post-Gazette*

March 24, 1987

### Paroling prisoners with AIDS

"Should a prisoner afflicted with AIDS be allowed a break from his parole board? Though the numbers involved are still small, the issue is sure to confront prison and parole officials around the country as the disease spreads. In New York the answer is yes. Of thousands released on parole in the last two years, 50 had AIDS. Many would not have been released had they not developed the disease. Their release is appropriate on humanitarian grounds — but only if they disclose their condition to those on the outside who might be imperiled. The executive law governing the work of the Parole Board requires that release be compatible with the welfare of society. Does the release of an AIDS patient threaten the public welfare? It does so to the extent that the parolee refuses to reveal the affliction to spouse or lover. Unless an AIDS victim discloses his condition to spouse or loved ones, parole should be denied. Refusal to disclose would appropriately be taken as evidence of lack of responsibility toward others, a factor that properly figures in parole decisions."

— *The New York Times*

March 17, 1987

### Asset Forfeiture Disbursements, 10/1/85 - 2/12/87

State	Cash	Property	Total
Alabama	\$104,432	\$181,375	\$286,807
Alaska	20,610	29,240	49,750
Arizona	136,741	98,100	233,841
Arkansas	21,952	46,000	66,952
California	16,234,684	1,891,998	18,126,682
Colorado	12,061	43,625	56,676
Connecticut	445,608	433,713	879,321
Delaware	111,790	26,000	137,790
Florida	536,711	808,821	1,344,532
Georgia	871,715	157,137	1,028,863
Hawaii	108,393	189,000	277,393
Idaho	0	2,650	2,650
Illinois	991,100	120,186	1,111,285
Indiana	81,778	33,425	95,203
Iowa	10,305	23,000	33,305
Kansas	0	21,200	21,200
Kentucky	190,021	16,550	206,571
Louisiana	632,823	288,880	821,703
Maine	63,640	0	63,640
Maryland	349,053	32,552	381,805
Massachusetts	67,700	472,875	540,575
Michigan	463,539	22,825	476,384
Minnesota	122,080	77,825	199,906
Mississippi	98,265	15,225	113,490
Missouri	857,535	234,496	1,092,031
Montana	0	3,500	3,500
Nebraska	65,582	8,950	74,532
Nevada	60,225	37,587	97,812
New Hampshire	34,019	0	34,019
New Jersey	34,662	38,600	73,262
New Mexico	42,500	18,525	81,025
New York	2,938,138	280,911	3,199,049
North Carolina	1,381,841	122,950	1,504,791
North Dakota	8,350	5,800	13,950
Ohio	231,290	14,950	246,240
Oklahoma	27,097	151,750	178,847
Oregon	345,855	162,231	508,086
Pennsylvania	1,236,102	44,900	1,280,002
Rhode Island	0	87,500	87,500
South Carolina	114,933	49,700	164,633
South Dakota	0	0	0
Tennessee	120,537	6,000	126,637
Texas	4,958,369	544,817	5,628,186
Utah	106,553	46,995	151,558
Vermont	37,453	20,575	58,028
Virginia	125,620	334,675	460,295
Washington	111,606	104,126	216,732
West Virginia	8,056	20,000	28,056
Wisconsin	347,459	68,742	417,201
Wyoming	10,725	0	10,725

In some respects it might be surprising that Thomas A. Constantine ever broke out of the ranks of the troopers and investigators in the New York State Police. Not that he lacks the skills and smarts for a move into the upper reaches of the State Police hierarchy — his status as Superintendent of the agency is ample evidence that he has the gifts. But this is one administrator who still reflects on his days as a front-line cop in such terms as "exciting," "exhilarating," — indeed, about the only negative thing he can say about the time he spent as a road patroller and investigator is that the pay was lousy, the hours were worse, and the assignments were often depressingly far from home.

What those exciting, exhilarating days left Constantine with is a distinct sense of empathy for the people who are now serving under him in those front-line positions. Constantine, who was confirmed by the State Senate as superintendent only two months ago, commands a complex, 4,500-member law enforcement agency which in many parts of the state provides the only organized police services for small, unincorporated villages. And notwithstanding the complexity of the agency's operations — operations that include considerable drug-enforcement responsibilities, hazardous

materials duties, crime analysis, search and rescue and much more — Constantine is still very sensitive to the fact that the bottom line is the trooper and investigator.

Given his empathy for the trooper, Constantine should prove to be a hit with his officers. After all, he's the first superintendent in 30 years to come from the ranks (and bear in mind that the New York State Police have only existed for 70 years). But he's more than just another "grunt" who made good. Since joining the agency in 1962, he has held assignments all over the state, in road patrol, investigations, recruit training, organized crime enforcement, and, until assuming the top spot, as deputy superintendent and field commander. As if that weren't enough to distinguish any cop's career, he also stands on the brink of another distinction, needing only to finish his dissertation before earning a doctorate from the State University's School of Criminal Justice in Albany.

Constantine knows well the value of higher education, but for him it's not enough. He believes firmly that it is secondary to being a good trooper, but a valuable second-place consideration. Given two troopers with

identical qualifications, experience and abilities, but give one of them a bachelor's degree, Constantine will stake his bet on the cop with the degree.

Although more than a state highway patrol, the New York State Police is also not your garden-variety state agency cut straight from the old military model of law enforcement. True, Constantine admits, the 24-week training academy program is one of drills, discipline and quasi-military influences. But out where the rubber meets the road, on the highways and in the often-lonely troop stations scattered throughout the state, it becomes a question of good old-fashioned neighborhood-style policing. As Constantine puts it, the nearest backup may be 30 or more miles away, so the best ally a trooper can have is a supportive citizenry.

Perhaps as importantly, Constantine believes in such decidedly un-military model concepts as quality circles and innovation from below. He may only have been in office for a few months, but he and his staff — and troopers — are already looking ahead to what the future may hold for the New York State Police. You'll forgive the superintendent if he also happens to have one eye focused on the past — a past that has been very, very good to him.

**'I feel uncomfortable merely being seen as a group of people that writes traffic tickets. That has a negative implication if it's not balanced out by a service function.'**

# Thomas A. Constantine

## Superintendent of the New York State Police

Law Enforcement News interview  
by Peter Dodenhoff

**LAW ENFORCEMENT NEWS:** You're the first New York State Police superintendent in 30 years to have risen through the ranks. What do you see as the advantages of being an "insider"?

**CONSTANTINE:** I think basically it's the fact that people of my era in law enforcement, people who came in an agency of this size in the early 1960's, have gone through all of that turmoil of problems in the cities, problems on the campuses and problems with narcotics, and really had a chance to see all of those events take place. I think we learned a great deal from them. Then simultaneously, because of the support of the Federal Government in the various educational programs that started to flourish, we also had a chance to pick up some formal education in what were difficult times. So you bring all of those experiences with you, as well as a very intimate knowledge of the agency itself, both in people and in procedures and in your own reputation that you develop over a period of time. People know you, you're a given quantity, so you don't have to go through a very

difficult transition of, one, not knowing that much about the new superintendent or what his expectations or management style may be, and two, for senior staff like myself, of briefing him constantly and trying to educate him and bring him up to a position where he can make solid decisions based on good information. Depending on the individual, sometimes that takes a long time.

**LEN:** Do you get a sense that the troopers themselves are more comfortable knowing that their boss comes from the same roots as they do?

**CONSTANTINE:** I'd like to say that they're very excited about the fact that Tom Constantine became the superintendent of the state police. I'm not so sure that's true. I think what makes them feel good is that they have people within their own ranks who the Governor had faith in to pick for that position, and who has some sense of all of the things that that job entails. You have some sense that it's a very difficult job for these young people that are out there doing it right now. You have to have leadership and programs and supervision, but at the same time you have to have a great deal of empathy for those people who are out there doing the work.

### The old-boy network

**LEN:** Are there any drawbacks inherent in being an insider — problems, say, of over-familiarity or the old-boy network or what have you?

**CONSTANTINE:** It could be a problem if you assume the position without a great deal of experience in the various levels of management. Also, as you enter into it, you realize that this is a position of great trust and responsibility and you put the institution of an agency like this, along with the good of the people of the state, above any personal friendships or contacts that you might have. You've got to be above all of that, and you really have to make sure that you send that signal to people, that this is a very honest approach to promotions and discipline.

**LEN:** Is it too soon to tell just yet how you are being perceived by the troops? Are you seen as a troopers' superintendent, or a bosses' superintendent, or a Governor's superintendent?

**CONSTANTINE:** I don't think I could draw a line like that. I get feedback from people I think are honest and

*Continued on Page 10*



**'Troopers are out there making critical decisions and exhibiting tremendous courage. I expect people in leadership positions to have the same courage — moral courage.'**

Continued from Page 9

who are not involved in the state police, and they relay information to me that people throughout the various ranks were very excited that I had this opportunity. Part of that was that I was very visible in all of my previous positions. When I was field commander for three years, in charge of all the police operations for the state, I would immediately go to the scene of any major situation. Every week I would go over to any place that was being held in the academy and try to advise troopers, investigators and noncommissioned officers about the goals we had in the state police, what things were important to then-Superintendent [Donald] Chesworth and the Governor. I would try to avoid being put in any one of those three categories. I hope I'm serving the Governor well, I hope my immediate leadership and commissioned officers have adopted my style of leadership, and I hope I'm respected by the people out on the road. That's all you can ask, really.

**LEN: How would you describe your own personal style of leadership?**

CONSTANTINE: Well, I generally believe that people who take leadership positions have to make decisions, and they have to be willing to go out front and take the responsibility for those decisions. Unfortunately, many times in big institutions and bureaucracies there is a tendency for people to lay back and to avoid being decision-makers. At the lowest level in our agency, troopers or investigators are out there at two o'clock in the morning making probably the most critical decisions — life-and-death decisions — and exhibiting, as any police officer does, tremendous amounts of courage in difficult situations. I would expect people in leadership positions to have the same degree of courage — moral courage — to be able to say no to people when it's necessary to say no, and to say yes when it's important to say yes. They should administer discipline within the agency and demand the highest standards, but at the same time, where there is something that's been misconstrued, they should be willing to publicly explain that to people. Many times there's a perception that the agency or an individual member of that agency has done something wrong, and everybody walks away from that person and leaves him hanging there. I don't believe in that approach to leadership.

**LEN: Does the fact that you're commanding a police agency that covers so many tens of thousands of square miles require something of a decentralized style of management?**

CONSTANTINE: Yeah, it does. I sometimes envy people from agencies where they can go immediately to every location at certain points in time. We really can't do that, so we are decentralized. Our essential building-block unit is a troop, of which we have 10 around the state, each one commanded by a major. We meet with those people a number of times a year, and they have a great deal of flexibility and discretion in running their police operations. But to insure that it's a continuous police agency in terms of policies and procedures, we also have a very intensive inspection set-up, where we send an inspection team of 10 or 15 people to a troop, they'll live in that troop for three weeks and make sure all of the administration meets our policies. They'll make sure that all of the people in that area, whatever it's

a district attorney or a sheriff or a local chief of police or even a complaints, are satisfied that we're providing the best service that we can, and if people have some complaints we can then react to them. We try to hold it in line that way.

**The patrol emphasis**

**LEN: Does the fact that you served as field commander under former Superintendent Chesworth suggest that you may be less likely to make any radical departures from programs or policies that began under his tenure?**

CONSTANTINE: Well, I have to tell you that after nearly 26 years with the State Police, it's a very solid police agency in many ways — in its service, in its productivity and in the standards that we expect from people. So that transcends me or Don Chesworth or Bill Connelie or whoever else may have been here. Those programs that Chesworth put in were essential programs that were demanded by the demands of that time, and those demands still exist. The narcotics problem caused us to add another 225 people to narcotics enforcement, bringing us up to about 325 in the State Police working nothing but narcotics. That was a severe social problem that the Governor asked us to do something about. So those types of things stay. Basically our problem is that when we've done all of those things that were put in place, the resource that we used to staff those was uniformed troopers from the road. Given the time it takes to select, recruit and train people and bring them up to speed to replace those individuals that you put on specialized assignment, it became a very difficult process for the people in the patrol stations. So I would say right now one of my major thrusts is looking at every possible way to augment and enhance our patrol and local investigative services, and we are the only agency doing that in many areas of the state.

**LEN: Considering the marked increase in specialization in the State Police under Chesworth, is there any risk of over-specialization, of inadvertently moving away from a focus on more basic police functions, such as patrol?**

CONSTANTINE: I do think you have to be careful. You always have to realize that the fundamental reason a police agency exists is to serve people and to have them feel more secure in their lives despite all the problems that exist in society today. Usually, in any police agency, the most visible person is the patrolman or the trooper in uniform. When you lose sight of that and he — or she — becomes your secondary concern, then you've gone too far. The decentralization helps us a little bit in that

cotics unit, and can't support anything with a great deal of laboratory or forensic experience. When they have a homicide in many of these towns or villages, it may be the first homicide they've had in five or six years. The people who handled the last one may be retired or gone, and there's no real built-in body of experience. Whereas we, because in that geographic area we cover 10 counties, we may investigate 20 or 30 homicides in a year. So I or the troop commander can produce for that small police department 20, 30 or 40 trained investigators to assist in an investigation they would be hard-pressed to handle without our assistance.

**LEN: Does your emphasis on the road trooper and the work he or she does represent any significant departure from previous State Police administrations?**

CONSTANTINE: I don't think it's any great departure. I think there always has been a tendency in any police department to forget the people who are out on the front, so to speak. The people who get the most attention are either those in a headquarters position, who have the "new idea of the year," so to speak, or in some specialty that has caught the public eye. There's a tendency to forget the front-line people, and that's not good for the management of a police department, because even today as we speak there's probably on patrol somewhere in the state of New York 400 or 500 uniformed troopers. They will probably each have interactions with 10 or 15 people in an average work day. Those 5,000 or 7,000 people today will draw their whole perception of the State Police from what happened to them today.

**LEN: Do you think the troopers themselves perceive that the agency's primary emphasis is on them and their work?**

CONSTANTINE: It's a message we're trying to communicate. While I was waiting for confirmation, I contacted in written form all of the top executives in the State Police and all of the troop commanders and detail commanders — about 35 or 40 people. I asked them each what they thought are the three main concerns facing the State Police in 1987, and I asked them to put that on a one-page piece of paper, stating the problem, what they thought might be the resolution to it, and what resources would be available. I've put all of that information together and I'm generally looking at five topical areas right now that are of concern to us. I've assigned each one of those topical areas to a senior ex-

**'We have a tremendous fleet, a lot of high speeds, a lot of bad weather, and a lot of our cars look like they came off the battlefield at Gallipoli.'**

way, because we realize that we can't support numbers of specialized units in each troop, so we try to augment that with staff assistance. Right now, I think we have all of the specialized units that are really needed by the people that we serve, and our thrust will be back on that road patrol and that individual out there. It's a delicate balance. If I were to weigh things and somebody asked which way I would tip the scale, I think I would tip it in favor of the general patrol and investigative responsibilities.

**LEN: In a nutshell, what would you identify as the principal focuses of a state police agency, and how do specialized units and activities fit into that broad scheme of things?**

CONSTANTINE: The first one, and something that's a misconception to many people, is that in many areas of the state the New York State Police, both the uniformed trooper and the BCI [Bureau of Criminal Investigation] investigator, are the primary, full-service law enforcement agency for that community. They investigate everything from a minor traffic accident up to a homicide, and people rely on us for that. In other areas of the state, which tend to be in metropolitan areas or in high-growth suburban areas, we serve a dual function. One is a very heavy traffic enforcement function, because when you're in that area you usually have an elaborate Interstate highway network that requires a lot of work. Secondly, there's the supplemental investigative or specialized service for local police departments, because 20-, 30- or 40-person police departments very seldom can support any kind of a substantial nar-

ecutive colonel here at headquarters, giving him a support staff of people to research the problem and fully as he can, both within the State Police and surveying across the country. Then, in early May, I'm bringing all of those people together at a retreat center in southern Albany County — way back in the woods with no phones or television. Project teams of about 10 or 12 people will look at the problems and come out of there with an action plan that can be implemented in stages within the next year or two.

**LEN: What are the five key areas?**

CONSTANTINE: One was recruiting, selection and training. Number two would be deployment of personnel, much of the things we've been talking about — specialization versus generalists, the regions of the state, what types of service are required in various areas. Our discipline and quality-control system is another. Is there a way to make sure our discipline system is consistent and fair, and are there ways to address the problem other than discipline? Say you have a problem with trooper accidents. We have a tremendous fleet, a lot of high speeds, a lot of bad weather, and a lot of our cars look like they came off the battlefield at Gallipoli. Presently that's handled through our disciplinary system. We're looking at whether that can be handled better with one of those quality-circle types of approaches, where everybody's got a piece of trying to work the problem out. The other area would be our promotional system — how can I make that fair and more objective for the people who are working for me?

# Interview: NYSP Superintendent Constantine

LEN: Is there any risk of your 4,500-member force being spread too thin by specialization?

CONSTANTINE: You've got to be careful. This was a very tough year for us. I just swore in a class of 350 at the academy on Monday past. Our academy only sleeps 200 people, so with staff and so forth I have to run a site out in Brockport at the State University there. So I have to take a number of people off the road for this. We train in residence for 24 weeks. Training starts on a Sunday night and runs through 6 on a Friday every week, so we really have them 24 hours a day. That requires that we have a staff of counselors who live with them and assist them, plus our drill instructors, driving instructors, firearms instructors, and all those people are off the road. I'm hoping that in this budget year we'll have two classes of 140 or 150 each. They'll be much more manageable and it'll give us a year to catch our breath and see where we've got to go from here to get some more manpower.

## Ye olde military model

LEN: It would seem that state police agencies generally cling more tenaciously than do local departments to the traditional military model of policing. Would you say that's a fair assessment?

CONSTANTINE: I think it's correct that there's a strong military model in state police agencies in the training program. Usually they're residential training programs, there is a tremendous thrust on the heritage and the history of the troopers as they first began, and there is an emphasis, because you have 165 people living together, on group discipline and how to react as a group, and also on self-discipline. That continues throughout the entire training process. However, when they leave that academy and go to stations, most of our people are in small communities where they are in stations that only have 9, 10, 12 people. At that point the military model of law enforcement kind of goes out the window because in essence it is the typical neighborhood policing. When you report to work at three in the afternoon at the Whitehall Station, you're the only trooper; the nearest trooper to you is probably 35 miles away. So you really start to have to depend on that community very much for information, assistance and support, and only when they come together in groups — if there's a major disturbance or a problem of some kind — do they fall back into the military system and they'll react very well as a group. But when they're out there in their day-to-day activities, many times they're community-based rather than military model-based.

LEN: To the extent that the military model does apply, does it ever get in the way of innovation?

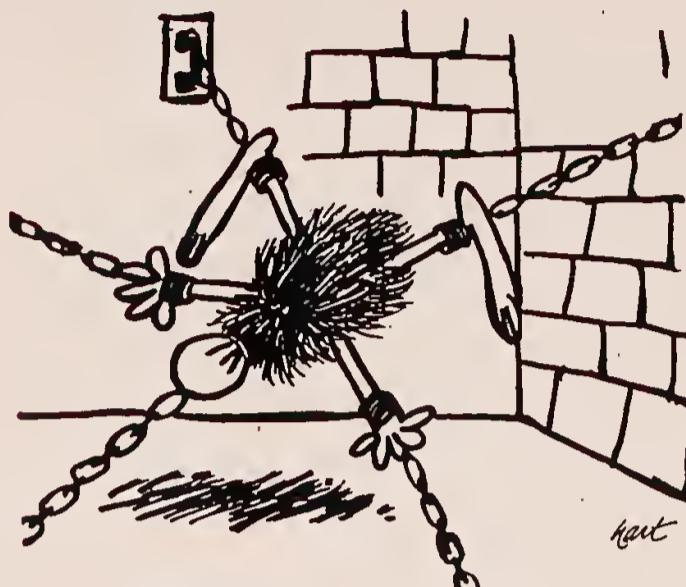
CONSTANTINE: It could. It's another one of those programs where you have to build in other things that balance that out. For example, we have a number of fellowship and training programs; we send three or four people every year for master's degrees at the School of Criminal Justice up here at the State University in Albany. We send four or five people to the FBI Academy every year. We have no rigid academic standards, but the more I look at my commissioned officers and executives, they all have excellent educations, whether they're law degrees or master's degrees. Those people who went through that fire from '62 to '72 brought an awful lot of stuff with them, and they're not as hidebound and as rigid and are much more willing to look for things that can improve the system. Most of them were at the bottom of the order at that point in time, and they saw a need for change and felt a little frustrated. Hopefully they all remember that; I know I try to. I look at the people I have around me and hope that they remember that there's a tremendous number of thoughts and programs that can come from a lot of directions to improve your agency.

## The educational edge

LEN: You're quite well educated as far as police chiefs go, with a doctorate seemingly within your grasp. What prompted you to go as far as you have with education?

CONSTANTINE: I wish there were some kind of really romantic story to tell about it [laughs]. Before I had come on the State Police, I worked for the sheriff's

## SOMETIMES LIFE PULLS US IN MANY DIRECTIONS.



## REMEMBER YOU ARE NOT ALONE.

A page from the suicide-prevention booklet "Introduction to Life," sponsored by the New York State Police and the Board of Cooperative Educational Services, and illustrated by newspaper cartoonist Johnny Hart of "B.C." and "The Wizard of Id" fame.

department in Erie County, and I had almost a year in a junior college at that point in time. Then when I came on the State Police I was stationed away from home and worked 60 hours a week, and there was no emphasis on education, so I dropped out of that. My thrust was all on working. Then back about 1966 I and a couple people who were very close to me were stationed in Niagara County, which was a very active place, and people were very competitive for promotions to the investigator's rank. A number of fellows said they had gone back to school. I didn't want to leave behind, so I thought I better go back too. I did, and in 1968 I received an associate's degree. Then, as luck would have it, the State University College at Buffalo said they were going to have a four-year program in criminal justice. We went there in 1968 and '69, and we went on and got bachelor's degrees. At that point in time in Buffalo there were probably 35 or 40 of us all going through this process together. Maybe

one-third of them were Buffalo police officers, a number of them were from towns and villages, and maybe eight or nine of us were from the State Police. It got to where nobody felt comfortable dropping out of that process.

Simultaneously the LEEP program came in and paid for tuition and books, so I got a bachelor's degree and said that's it. I thought I'd gone as far as there were any programs around there. I was thinking about going to law school, and then they announced the Executive Development Fellowships at the Justice Department, which was separate from LEEP. There were 75 of them in the country, and the State Police for some reason got five of them. I couldn't believe it when they told me they were going to send guys away to school for master's degrees, and their tuition would be paid, their salary would be paid, their books would be paid for. I really thought someone had carved out a phony message on this one. I got picked and I wound up getting a master's degree. I took the lieutenant's test halfway through the school year and I wound up on top of that list. I was trying to get back to Buffalo but they wouldn't send me back, so I said the hell with it, as long as I had been at it this long I'd keep going. I went and got all the hours for the doctorate and passed all the comps.

I think the master's degree process was the most self-development I'd ever been through in my life; I had never been pushed that hard before academically. Now I think I know how to think better, I know how to analyze better. There's a whole different world out there that looks different to me now, and that's made a big change. It didn't give me any extra promotions, but things have seemed to fall in place very nicely along the way.

LEN: How essential is higher education to the role of the troopers now under your command?

CONSTANTINE: My sense is that the educational level of the country has risen a great deal. When I went through the academy, there were 140 recruit troopers, and there was only one fellow with a college degree — we thought he was a spy from Albany. After all, why would anybody with a college degree ever come on a job that paid \$4,200 a year for a 60-hour work week, where they send you to work 300 miles from your house. Now as I look at the statistics of the young kids that come in, a lot of them have excellent educations already, and we do not have a minimum standard as yet — when we meet at

Continued on Page 12

# Constantine: 'We're one of the five best'

Continued from Page 11

our retreat, I'm sure that's one of the areas that we'll be looking at. I'm not so sure college makes you a better police officer, but if you have two people with the same interests and the same abilities and instincts and courage, and one of them has a four-year degree and the other doesn't, I think that the one with the four-year degree probably be a better police officer.

## Public perceptions

**LEN:** It seems that public perceptions of the State Police are often misplaced, in the sense that people tend to think of troopers as the guys who flag you down on the parkway and hand you a traffic ticket. How does a police administrator deal with misconceptions like that, and how much of an impediment do they pose to the functioning of your agency?

**CONSTANTINE:** I have some experience with those perceptions, because I grew up in a city and never really had a chance to get outside that city much as a kid because my family didn't have a car. I didn't know what a state trooper was; I knew what the Buffalo Police Department was, and I knew what they did. I find that even more now that I've been across the state. People from New York City, many of whom don't rely on a car for transportation and tend to live their lives within the five boroughs or on Long Island, have a perception that once you get upstate — by definition, past Yonkers — the state troopers are responsible for the highway patrol function. That's true in some states in the country, but the people who live in upstate or suburban areas probably have a fairly decent grasp of our being a full-service police agency. I wish that in some ways we could communicate that more clearly to people from metropolitan New York, that we offer these services when they do come upstate and we're there to assist them, because I feel uncomfortable merely being seen as a group of people that writes traffic tickets. To a degree, that has some type of a negative implication if it's not balanced out by a service function.

**LEN:** Does you suffer at all from public relations breakdown in other areas, such as getting proper credit for work you do in areas such as drug enforcement?

**CONSTANTINE:** Sometimes. I think you've got to pretty much adopt a philosophy that you're not always going to get the credit for everything that you do, and you set your parameters at that level. For example, in New York City right now we're one of the major players in narcotics enforcement. The drug enforcement task force is composed of about one-third New York City detectives, one-third troopers and a little less than a third DEA agents. They work as groups, and every time there is a major seizure or arrest of hundreds or thousands of pounds of cocaine it's a joint effort. The press conference is held at DEA headquarters, and they're very cordial about it. I'm invited there, Police Commissioner [Benjamin] Ward is there, the special prosecutor is there, and those people are well known to the media in New York City. They don't know me, at least not yet, and probably won't know me to the extent that they know the other guys. There is really not a solid knowledge that undercover state troopers made this big case. But I think that comes with the territory. There's just such a need now for agencies to come together to attack some of these problems that if you wind up holding out too long for the press coverage for yourself, it's not going to get done. I just hope that legislators and budget people are aware that we play a big role in that, and somehow we can communicate that to the people.

**LEN:** Notwithstanding any possible shortcomings in public perceptions, how would you rate the quality of your interactions with other police agencies?

**CONSTANTINE:** I grew up in another police department and went to school with a lot of other police officers, so I believe in getting along with people. It generally works very well if you can prove to people that you're willing to work with them on a case and you're not interested in stealing the notoriety but rather in achieving a result. There are always going to be individuals who are difficult to deal with — and I've run into a bunch of them — and who just do not want to cooperate for whatever reason. No matter how hard you

try, they tend to turn you off and say they don't want any assistance. Then sometimes you watch in despair as an investigation that you think could be successfully concluded is really mismanaged. You can't let yourself get too frustrated by that. I've been all over this state and all over the country, and I don't mean to be parochial when I say that when it comes to integrity, professionalism and dedication, and just plain talented people, we don't have to take a back seat to anybody. We're probably one of the five best police agencies in the country.

**LEN:** Do cooperative activities with other agencies ever impose an unbearable strain on police resources?

**CONSTANTINE:** If it's a major case, usually we'll try to find the resources to do it. Where you get into trouble is if you have a small department that has a problem that for them and their constituencies is a major one, and your people are tied up two towns away with a cocaine laboratory. We've become the nationwide experts on cocaine drug laboratories because they've all been located in our patrol areas and state troopers have conducted all the investigations. It's tough to explain to a chief that you don't have anybody today, or next week or the week after, to be able to handle their problem. You try not to do that.

## Cocaine factories

**LEN:** As the Federal drug enforcement effort has targeted the Southeast and Southwest areas of the country, have you noticed any increase in drug trafficking across the largely unprotected border with Canada?

**CONSTANTINE:** Not so much with Canada as far as major shipments coming through, although we have stopped people at the major points of entry who have large amounts of money on them. What we have found out is that since there has been a tremendous crackdown on the chemicals used to manufacture cocaine,

publicly, but the following Tuesday night, almost to the minute, we had a trooper killed on the Northway up near Saratoga. He was run over by a truck driver. We didn't want to insult that family and have any connection between the two incidents. Then the tests came through on the passenger in the car down in Westchester and it showed the presence of alkaloids of cocaine. It was as dark a 10- or 12-day period as I have ever faced in the State Police.

We have an employee assistance program for people who have a drinking problem, and we've brought people up on charges and fired anybody who hadn't responded to that. We've had some individuals where there have been allegations of use of marijuana, and before we started the investigation they resigned, so we couldn't prove any criminality. We haven't got any indication that would show that our force has anything approaching the general population's usage of cocaine, and I think there's a couple reasons for that. One is our selection system, where we do a urinalysis test right at the beginning. We do a very elaborate background investigation. We have a psychological screening test that's both pencil-and-paper and clinical interview, and then we bring them in the academy for a 24-week period where they live in a very controlled, observed environment. So I think that limits it.

It's always possible. Cocaine is now a drug being utilized by economic groups of people and professions that I would not have thought possible. But it is, and hopefully we can avoid it forever. I'm not sure, though, what next week or the week after will bring. We have a very intensive internal affairs program, we do inspections of each of the narcotics units as often as we possibly can. I just pray to God and keep my fingers crossed that it never happens again. I think we have enough systems built in to avoid any systemic use or corruption as a result of that.

**LEN:** Do you have in place or plan to implement any kind of random drug testing?

**'There are always going to be individuals who are difficult to deal with and who just do not want to cooperate. No matter how hard you try they tend to turn you off.'**

economically the best way to manufacture cocaine was to bring the coca paste up, since a pound of paste makes a pound of cocaine. Then they had to find a place to do it. The odors and the danger of the ether and the acetone involved really means that it can't be done in an urban or suburban area; they have to go to a rural area and it has to be somehow accessible to the metropolitan area. So we have found the major players — the individuals from Medellin, the "cocaine cowboys" — involved in major drug manufacturing labs within our patrol area. There was one in Montgomery County, about as rural a place as you'll ever see, and a year and a half ago it was the largest drug-manufacturing laboratory ever located in North America. The chemicals there were capable of making 18,000 pounds of cocaine, and in a period of about a month or so they had already made 1,200 pounds of cocaine. That's the level of the investigations that we've been conducting.

## Drugs and the trooper

**LEN:** Looking at the drug question in another way, a few years ago two troopers were killed in an accident at a Westchester toll plaza. As I recall, both were subsequently found to have intoxicants in their systems — one alcohol, the other cocaine. Is there anything to suggest that substance abuse is a serious problem among troopers?

**CONSTANTINE:** Well, first of all, when I was the field commander and got a call that night saying that two troopers had been killed, I flew down in the Governor's helicopter, through the fog and all. I personally notified the immediate relatives of both the troopers that were killed. Obviously, when you looked at the accident scene, something was unusual there, at least to me. But unfortunately, both of the witnesses were dead, so we didn't know what exactly it was. Then we find out that the driver had enough alcohol in his system to be considered intoxicated. We were going to address that

**CONSTANTINE:** As far as we've been advised, and according to everything that I've read, random drug testing without cause may not be constitutional. It's probably early to say that, but I know that the cases in the Federal appeals court in New Jersey just tossed out testing for that reason, that it was a random search. We have urinalysis based not on probable cause but on suspicion. We figure the supervisors know the behavior of their employees, and if they see something that's unusual they've been trained to look for signs of people using drugs. We then can and would implement an immediate urinalysis test of that individual, and if they refuse we'd bring him up on charges and try to fire him.

## Manpower and money-power

**LEN:** In many agencies, local and otherwise, recurrent budget crises have left the worn police ranks with an average age that's unusually high, due to large gaps in the recruitment of new officers. Do you have any sort of problem of age imbalance in the State Police ranks, either overly old or overly young?

**CONSTANTINE:** In 1962 we hired about 800 people; we went from a 60-hour work week to a 40-hour work week, so they had to increase the size of the force by a third at that point. Those people all hit their 20th anniversary in 1982, and our experience in the State Police is that many people opt to retire somewhere between their 21st and 24th year of service. All of those people left in kind of a rush. The current Governor, since the state seems to be financially more stable, has supported us in the hiring of a number of new people. So I would think that we're comparatively a younger police agency than we were 6 to 10 years ago. Two-thirds of our people have been hired since 1978.

**LEN:** Reading between the lines, I guess it's safe to say  
Continued on Page 14

**'Jogging' law enforcement:**

## When the law swings into action against bias

Continued from Page 6  
anti-gay violence project noted that with the exception of the Mission District police in that city, "We see an outrageous police brutality situation and we know there is prejudice involved. There is some problem now with people who are AIDS victims where officers do not want to interact. I think that is ignorance."

### Assessing Legislative Impact

Thus far, only a handful of states have not legally defined and proscribed hate crimes and their corollary activities. Nonetheless, the effectiveness of existing hate-crime legislation in the vast majority of states cannot easily be assessed. Although state legislation makes it easier for police to record and report such crimes — a major goal of civil rights groups, among others — it should not determine police response to bias-motivated incidents, some say.

Legislation serves a number of purposes, said Joan Weiss. It sends a message to the community that acts covered by the legislation will not be tolerated, and thus, it is hoped, deterring or at least slowing down anyone thinking of committing a bias crime. In addition, the laws pro-

### Legislation sends a message to the community that certain acts will not be tolerated, for a deterrent effect.

vide law enforcement with distinct tools for responding when acts are committed.

The National Institute Against Prejudice and Violence has published a volume called "Striking Back at Bigotry," which examines a broad range of legal remedies for bias-motivated crime and violence. Assessing the broad array of existing laws, Weiss said, "It's hard to say how effective the legislation has been. Some of the legislation we're talking about has been on the books for years, but some, like the laws against paramilitary training camps, ethnic intimidation and data collection are only a few years old."

Of particular concern to gay-rights groups is the narrow definition of bias that some jurisdictions have adopted. "It's very disappointing that most states have not gone for an inclusive definition of bias-related violence," lamented David Wertheimer. "Violence against gays is one of the most neglected forms of bias-related violence. A bias-related incident, in addition to the violence it perpetrates against the individual, is also a direct assault on a person's lifestyle, on who a person is. That's something the law doesn't recognize."

### Legislation Is Leadership

Chief Neil Behan of Baltimore County maintains that in many ways, legislation provides leadership. "It forces police, who are enforcers of the law, to do things differently."

Initiative must come from the state and local political arena, he said, if law enforcement is to be "jogged" into taking bias crime seriously. "What we are here for is to keep people as peaceful and calm in their everyday life and work as we can, and if there's fear struck in the heart of someone, and even though it is not a violation of law, it seems to me the government should do something to reduce that fear when the people themselves are helpless. Police don't need legislation to do what I'm talking about."

"Legislation is in many ways symbolic and it can be helpful to

law enforcement," Behan continued, "but regardless of whether they have symbolism or good laws, the law enforcement community can take action to reduce fear."

The Massachusetts civil rights law is one which many observers find excellent as both a law enforcement aide and as a deterrent — especially to the teenagers who seem to be the primary offenders when it comes to bias crime.

Maria Lopez, an assistant attorney general in the Massachusetts civil rights division, said the law was designed to reach "private conduct."

The law, enacted in 1980, forbids an individual from intimidating, injuring or oppressing another by threat or force. If a victim is physically injured, the offender could face up to ten years in prison, a fine of up to \$10,000, or both.

"In talking to prosecutors up there, they feel that the civil rights law scares juveniles," said NOBLE's Elsie Scott. "For some reason, juveniles feel that if they are prosecuted under the civil rights law, it is worse than being prosecuted under criminal law."

In New York, both Gov. Mario M. Cuomo and State Senator David Patterson have proposed legislation to stiffen penalties for hate crimes.

Cuomo's proposal would generally increase the penalties for hate crimes, such as making a Class B felony a Class A felony if a bias-motive could be demonstrated.

### Striking at the Wallet

In addition, the bill would allow the victims of bias offenses to sue their attackers for damages. The state attorney general would also be empowered to sue in certain situations.

Senator Patterson's package of anti-bias bills, would also give victims the right to sue for damages resulting from acts or threats of violence due to bias. Another bill offered by Patterson would define murder due to prejudice on a par with the killing of a police officer.

"What we did was create a civil rights murder and upped it to

murder in the second degree," said Sheila Green, a spokeswoman for Patterson. "The logic is that when you murder a peace officer, you are attacking the whole law enforcement system and we feel that to murder someone because of their race is an attack on what makes the U.S. the U.S. — tolerance and all that."

Civil remedies available in bias-crime cases were used to significant effect last year in Alabama, when the United Klans of America was slapped with a \$7-million judgment in a suit brought by the mother of a black teenager who was beaten and hanged by two Klan members in 1981. Earlier this month, a Federal court denied the organization an appeal of the judgment, saying that a deadline for filing notice of appeal had passed.

Civil actions in bias cases are most frequently pursued under sections 1981, 1982 and 1985 of the United States Code, and under the Federal Fair Housing Act. According to the National Institute Against Prejudice and Violence, most states offer generic civil remedies for grievances, but only a handful provide civil redress aimed specifically at bias crimes. These include Illinois, Idaho, New York, Massachusetts, Oregon, Rhode Island and the District of Columbia.

### Problem Won't Go Away

Although bias-related crime is getting an increasing amount of attention, many feel that simply shining a spotlight on it will not make the problem go away.

"I see bias crime as a continuing problem in this country," said Elsie Scott. "The extent of it is going to vary. There are various aspects of our society that contribute to increases."

"As long as we have a heterogeneous society there is going to be bias, because people come with all types of prejudice. Because some people's skin is a different color, it becomes a natural way of discriminating against people, just like the handicapped, who are discriminated against by certain people because they feel the need to be biased against somebody."

Crime motivated by hatred, said Nassau County's Inspector Carey, will not "go away overnight." "The most important thing that can be done, he said, "is to project that our own policies in the future will be ones of strong enforcement and prevention through education."

"I think we could lessen the number of crimes but we are probably never going to eliminate it because you're dealing with the attitudes of people and unfortunately, young people who commit these crimes are probably learning these attitudes from their own parents."

## THE MIDDLE MANAGER'S VOICE MUST BE HEARD



**POLICE MANAGEMENT ASSOCIATION**

1001 22nd Street, N.W., Suite 200

Washington, D.C. 20037

(202) 833-1460

A professional membership organization for law-enforcement personnel, sergeant or above, from Federal, state, county or local police agencies.

★ Membership in international organization

★ Police Manager newsletter; membership directory

★ Management training seminars

★ Discount on annual conference

★ Discounted & complimentary publications, savings on products

### APPLICATION FOR MEMBERSHIP

YES! Enroll me as a PMA member. Charge my \$25 annual dues to:

VISA       MasterCard       Choice  
Acct. \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_

Preferred Mailing Address:  Business       Home

Name \_\_\_\_\_

Rank/Title \_\_\_\_\_

Agency/Affiliation \_\_\_\_\_

Address \_\_\_\_\_

Country \_\_\_\_\_ Telephone \_\_\_\_\_

Home Address \_\_\_\_\_

Telephone \_\_\_\_\_

## DOMESTIC VIOLENCE/ CRISIS MANAGEMENT TRAINING FOR POLICE & SECURITY

Unique training approach combines professional expertise with innovative hands-on instruction.

**PACT Training Inc.**  
11 John Street, New York, N.Y. 10038  
(212) 766-1980  
Contact: Joyce St. George

# Jobs

Police Chief. Kentwood, Mich., a rapidly growing city of 35,000 adjoining Grand Rapids, is seeking a police chief to direct a progressive department with an annual budget of \$1.6 million.

Applicants must have strong leadership and management skills, and must be able to demonstrate work-related experience that indicates leadership qualities. The new chief must be well organized and show a talent for innovation. A bachelor's degree from an accredited university is required, along with advanced training in management. Master's degree in business or public administration or a related

field is highly desirable. Applicants must have at least 10 years experience in a law enforcement agency, including at least five years at the command or managerial level.

Salary range is \$36,073 to \$46,130, with benefits that include paid family medical and dental plans, city pension, life insurance, vacation and holidays, personal and sick leave, clothing allowance and city automobile.

To apply, send a one-page letter summarizing professional accomplishments and describing why you should be considered for the position, along with a copy of resume and five references, to:

## DIRECTOR OF POLICE

**The University of Texas System Administration**  
The University of Texas System Administration in Austin, Texas, is currently accepting applications for the position of Director of Police. Qualified applicants should have 10 years of experience as a commissioned police officer with a recognized law enforcement agency including investigative and supervisory experience. Applicants should also possess an instructor's certification and an advanced certificate from the Texas Commission on Law Enforcement Officer Standards and Education. The University of Texas System is comprised of 13 component institutions, each with its own police department, staffed with commissioned police officers and security personnel. Responsibilities include the planning, developing and coordinating of policy, procedures and training programs for police/security matters on a system-wide basis; overseeing institutional police departments and conducting periodic inspection; making recommendations on all security matters to prevent criminal activity. Interested applicants are asked to please submit resumes to the following address:

**The University of Texas System Administration**  
System Personnel Office  
201 W. 7th Street  
Austin, Texas 78701  
EO/AA

## POLICE CHIEF City of Santa Ana, California

The City of Santa Ana, a dynamic city of 225,000, is seeking an experienced police executive to lead and manage the police department in the continuation of its nationally recognized community-oriented policing programs. The Santa Ana Police Department has been a leader in the development of police excellence in an urban setting.

The ideal candidate will have a track record of police leadership that has resulted in innovative and competent police service delivery in an urban environment, and be highly knowledgeable about community-oriented policing issues and concerns.

The position requires graduation from an approved college or university with a bachelor's degree in public administration, police science, criminology or related field (an M.P.A. is desirable) and at least 10 years of progressively responsible law enforcement experience, including at least five years in a management capacity.

Current salary for the position is \$5,005 to \$7,070 per month plus an outstanding benefit and retirement package.

Applicants must submit a resume and personal statement as outlined in the information package available from the city. For further information, please contact:

**The City of Santa Ana**  
Human Resources Department  
P.O. Box 1988  
Santa Ana, CA 92702  
or call: (714) 647-5340

Closing date is June 5, 1987.

IACP Executive Search Service, 13 Firstfield Road, Gaithersburg, MD 20878. Deadline is May 15.

**Instructor, Administration of Justice Instructor.** The Northern Virginia Community College, Annandale Campus, has two positions open for individuals to teach a variety of Administration of Justice classes, including Organization and Administration, Introduction to ADJU, Criminology, Organized Crime and Corruption, Private Security, Law-evidence and Court Procedures in both the private and public sectors, and others. Successful candidates will also advise students and serve on college committees.

A bachelor's degree with a major in Administration of Justice or related field and two years full-time related occupational experience are required. Applicants with master's degrees and teaching experience are preferred. Positions are effective Sept. 16, 1987.

To apply, send application or resume postmarked by May 29, 1987, to NVCC Personnel Office, 4001 Wakefield Chapel Rd., Annandale, VA 22003. EOE/AA.

**Police Captain, The University of**

**Chatham County**  
**Jail Administrator**  
1978 Facility: \$3.8-million budget, 120 personnel — Salary Range: \$31,573-\$42,310. Salary negotiable/commensurate with education and experience. Requires any combination equivalent to graduation from accredited college with major coursework in Criminal Justice, Business Administration or related field and extensive, progressively responsible experience in correctional work, including thorough command, supervisory or administrative work. Closing date: May 15, 1987. Send resume, transcript and salary requirements to:

**Chatham County Personnel**  
P.O. Box 8072  
Savannah, GA 31412

Additional Information by calling Lt. Col. Donnie Anderson, (912) 944-4619.

## DEPUTY SHERIFF

The Monroe County Sheriff's Department in Key West, Fla., is recruiting for the position of Deputy Sheriff. Responsibilities are to provide law enforcement and related services to Monroe County. Contact the Human Resources Division at (305) 292-7044 for more information. Currently state certified individuals preferred. EEOC/Affirmative Action.

academic programs. Experience with a large law enforcement agency is especially desired.

Successful candidate will plan, develop, review, coordinate and administer training policies and programs for the Los Angeles Police Department and will serve as a technical adviser to management and staff on education, training and testing issues.

The selection process consists of an evaluation of professional and personal qualifications of all applicants and interview of those candidates selected as finalists. Position is Civil Service-exempt and is appointed by the Chief of Police. The salary range for this position is \$47,314 to \$58,777 annually depending on qualifications, with excellent benefits.

Interested candidates should call or write to obtain a copy of the Outline of Qualifications which must be submitted with a resume describing academic achievements, relevant work experience and salary history. Contact: Patricia Friedman, Los Angeles Personnel Department, 111 East First Street, Room 100, Los Angeles, CA 90012. Telephone: (213) 485-4142; within Calif., (800) 252-7790, ext. 54142; outside Calif., (800) 421-9555, ext. 54142. Resumes and Outlines of Qualifications should be returned by May 29, 1987.

*Let Law Enforcement News help you find the right person for the job. List your next job vacancy in LEN and tap a pool of superlative candidates no one else can deliver. Call Marie Rosen at (212) 489-3592 for details.*

## Interview: NYSP's Tom Constantine

Continued from Page 12

that the State Police generally fare pretty well when it comes to budget time...

**CONSTANTINE:** We had a couple of tough years in the mid 70's. Obviously economy in government dictates a lot of that. But I think generally governors and the legislature have been good to us. I think they recognize that we're a solid resource that they can utilize. More and more we're involved in activities in New York City, and I think New York City legislators now realize that there's a substantial State Police commitment to narcotics enforcement in the city. It's not just a perception of a highway patrol anymore. And people upstate recognize us as their sole support. So generally, it's a continuing communications project on our part to let them know what we're doing for them. We can't just sit back anymore and say "Hey, we're here, so take care of us." You've got to sell yourself to a degree.

**LEN:** You're currently hiring under a 1979 court order that directed new recruit classes to be made up of 40 percent minority males and 10 percent females. How long might it be before the court order is satisfied?

**CONSTANTINE:** I couldn't give you an exact date, but I would say we're three-quarters of the way, at least, toward meeting the goals that the judge set for us. I'm not a fan of court-ordered quotas, although I am a believer in affirmative action. The inclusion of minorities and women in the State Police has made us a hell of a lot better police agency. I never realized it because I was part of it as a trooper, but we were an all-white, all-male police department, in a state that wasn't necessarily that way. I don't think that's good. We have become broader, we're able to do more things, and it improves a lot of things that we do. But I'll be glad when we can find some other way to achieve the same results.

# Upcoming Events

## JUNE

16-17. **Realistic Assailant Control.** Presented by Calibre Press. To be held in Amherst, Mass. Fee: \$195.

16-17. **National Conference on Retired Volunteerism.** Presented by the Florida Crime Prevention Training Institute. To be held in New Port Richey, Fla.

16-18. **Managing C.I.'s & Other Sources: Developing Control Strategies.** Presented by the Broward County (Fla.) Organized Crime Centre. To be held in Pompano, Fla. Fee: \$225 (in-state); \$275 (out of state).

17-18. **Hostage Negotiations.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Winchester, Va. Fee: \$350.

17-19. **Officer Survival.** Presented by the Pan Am Institute of Public Service. Fee: \$195.

17-19. **Emergency Operations Planning.** Presented by the Center for Criminal Justice, Case Western Reserve University. To be held in Cleveland. Fee: \$250.

22-23. **Introduction to Microcomputers for Police.** Presented by the Traffic Institute. Fee: \$250.

22-23. **Investigative Technology.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Winchester, Va. Fee: \$350.

22-24. **Developing School Drug Education Programs.** Presented by the International Association of Chiefs of Police. To be held in San Diego.

22-24. **Bicycle Law Enforcement.** Presented by the Institute of Police Technology & Management. Fee: \$295.

22-25. **Advanced Hostage Negotiation.** Presented by the Traffic Institute. Fee: \$400.

22-26. **General Telecommunications & NCIC/TCIC Procedures.** Presented by the Criminal Justice Center Police Academy, Sam Houston State University. No fee. Limited enrollment.

22-26. **Investigation of Sex Crimes.** Presented by the Southern Police Institute. Fee: \$300.

22-26. **Homicide Investigation.** Presented by the Center for Criminal Justice, Case Western Reserve University. To be held in Cleveland. Fee: \$200.

22-28. **Retraining '87 for NCPI Graduates.** Presented by the National Crime Prevention Institute. Fee: \$325.

22-28. **First Responder Emergency Care for Law Enforcement Officers.** Presented by the Criminal Justice Center Police Academy, Sam Houston State University. Fee: \$95.

22-28. **School Resource Officers Training Program.** Presented by the Florida Crime Prevention Training Institute. To be held in Orlando, Fla.

22-28. **Tactical Weapons.** Presented by Executec Corporation, Advanced Training Programs Division. To be held in Mentor, Ohio. Fee: \$350.

22-Aug. 28. **School of Police Staff & Command.** Presented by the Traffic Institute. Fee: \$1,800.

24-25. **Uniform Crime Reporting School.** Presented by the Criminal Justice Center Police Academy, Sam Houston State University. No fee. Limited enrollment.

24-28. **Use of Microcomputers for Police Records Management.** Presented by the Traffic Institute. Fee: \$350.

24-26. **Seminar on Gangs.** Presented by the California Gang Investigators Association. To be held in Anaheim, Calif. Fee: \$85.

24-28. **Street Survival II.** Presented by Calibre Press. To be held in Universal City, Calif. Fee: \$110 (all three days); \$75 (first two days only); \$60 (third day only).

26-28. **Workshop for Recently Appointed Chiefs: Part II.** Presented by the International Association of Chiefs of Police. To be held in San Antonio.

28-July 1. **Annual Meeting & Seminar Program.** Presented by the International Association for Hospital Security. To be held in Arlington, Va. Registration fee: \$395 (members); \$495 (non-members).

28-July 2. **Vehicular Homicide/DWI Con-**

**ference.** Presented by the Traffic Institute. Fee: \$340.

29-July 1. **DWI Standardized Field Sobriety Testing.** Presented by the Institute of Police Technology & Management. Fee: \$200

## JULY

6-17. **Technical Accident Investigation.** Presented by the Traffic Institute. To be held in Evanston, Ill. Fee: \$550.

6-17. **Strategic Response Team Operations.** Presented by Executec Corporation, Advanced Training Programs Division. To be held in Mentor, Ohio. Fee: \$850.

7-8. **Deadly Force & Judgmental Shooting.** Presented by the Pan Am Institute of Public Service. To be held in Gainesville, Ga. Fee: \$175.

7-11. **Third World Congress of Victimology.** Presented by Victimology: An International Journal. To be held in San Francisco. Fee: \$175.

8-10. **International Conference on the Assessment Center Process.** Sponsored by the International Association of Chiefs of Police. To be held in Orlando, Fla. Fee: \$295 (IACP members); \$345 (non-members).

9-12. **Meeting of the Commission on Accreditation for Law Enforcement Agencies.** To be held in Oakland, Calif.

10-11. **Motorcycle Accident Reconstruction.** Presented by the Traffic Institute. Fee: \$225.

13-14. **Organizing an Effective Field Training Officer Program.** Presented by the International Association of Chiefs of Police. To be held in Atlanta.

13-14. **Investigative Technology.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Boston. Fee: \$350.

13-16. **Comprehensive Police Intelligence Management.** Presented by the International Association of Chiefs of Police. To be held in San Diego.

13-15. **Crime Analysis II.** Presented by the

International Association of Chiefs of Police. To be held in Denver.

13-17. **Underwater Crime Scene & Body Recovery.** Presented by the Pan Am Institute of Public Service. Fee: \$450.

13-17. **Countermeasures Interdiction Strategies: Land, Sea, Air.** Presented by the Broward County (Fla.) Organized Crime Centre. Fee: \$300 (in-state); \$350 (out of state).

13-24. **At-Scene Traffic Accident/Traffic Homicide Investigation.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$475.

13-31. **School Security Administration.** Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$775.

14-17. **Annual Training Seminar for Law Enforcement Chaplains.** Presented by the International Conference of Police Chaplains. To be held in Cincinnati. Fee: \$55 (ICPC members); \$95 (non-members).

20-21. **Improvised Explosive Devices & Booby Traps.** Presented by Executec Corporation, Advanced Training Programs Division. To be held in Mentor, Ohio. Fee: \$175.

20-21. **Contemporary Terrorism.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Winchester, Va. Fee: \$350.

20-22. **Progressive Patrol Administration.** Presented by the International Association of Chiefs of Police. To be held in Las Vegas.

20-22. **The Management Tree: An Innovative Approach to Police Executive Development.** Presented by the Southwestern Law Enforcement Institute. To be held in Las Vegas. Fee: \$295 (SLEI members); \$395 (non-members).

20-23. **Thirteenth International Forum on Traffic Records Systems.** Presented by the National Safety Council. To be held in Williamsburg, Va. Fee: \$100 (\$130 at door).

20-24. **Vehicle Dynamics.** Presented by the Traffic Institute. Fee: \$350.

20-24. **Crime Prevention Through Environmental Design.** Presented by the National Crime Prevention Institute. Fee: \$325.

20-24. **Strategic Reaction Team Training I.** Presented by the Pan Am Institute of Public Service. To be held in Gainesville, Ga. Fee: \$425.

20-24. **Drug Unit Commander Seminar.** Presented by the Institute of Police Technology & Management. Fee: \$350.

20-24. **Narcotics Investigation.** Presented by the Traffic Institute. Fee: \$400.

21-23. **Managing the Criminal Investigation Function.** Presented by the International Association of Chiefs of Police. To be held in Washington, D.C.

27-28. **Corporate Aircraft Security.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Winchester, Va. Fee: \$350.

27-28. **Dealing with Problem Employees.** Presented by the International Association of Chiefs of Police. To be held in Nashville.

27-29. **The Reid Technique of Interviewing & Interrogation.** Presented by John E. Reid & Associates. To be held in Seattle. Fee: \$450.

27-Aug. 7. **Firearms Instructor Certification Program.** Presented by the International Association of Chiefs of Police. To be held in Chicago.

29-30. **Physical Security.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Winchester, Va. Fee: \$350.

29-31. **Police Discipline.** Presented by the Institute of Police Technology & Management. Fee: \$300.

## AUGUST

23-24. **Contemporary Terrorism.** Presented by Richard W. Kobetz & Associates Ltd. To be held in West Point, N.Y. Fee: \$350.

3-5. **Managing DWI Enforcement Programs.** Presented by the International Association of Chiefs of Police. To be held in San Diego.

3-7. **Command Post Operations.** Presented by the Pan Am Institute of Public Service. To be held in Gainesville, Ga. Fee: \$425.

3-7. **Administering a DWI Program.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$325.

5-6. **Chemical Munitions & Riot Agents.** Presented by Executec Corporation, Advanced Training Programs Division. To be held in Mentor, Ohio. Fee: \$225.

5-6. **Hostage Negotiations.** Presented by Richard W. Kobetz & Associates Ltd. To be held in West Point, N.Y. Fee: \$350.

8-Nov. 8. **78th Administrative Officers Course.** Presented by the Southern Police Institute. To be held in Louisville, Ky. Fee: \$1,200.

10-11. **Investigative Technology.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Denver. Fee: \$350.

10-12. **Developing First Line Supervisory Skills.** Presented by the International Association of Chiefs of Police. To be held in Daytona Beach, Fla.

10-14. **Marine Patrol Techniques.** Presented by the Pan Am Institute of Public Service. Fee: \$485.

10-14. **Investigation of Commercial Vehicle Accidents.** Presented by the Institute of Police Technology & Management. Fee: \$325.

## For further information. . .

Broward County Organized Crime Centre, P.O. Box 2505, Fort Lauderdale, FL 33303. (305) 564-0833.

Calibre Press, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062

California Gang Investigators Association, P.O. Box 1026, Burbank, CA 91507.

Center for Criminal Justice, Case Western Reserve University, Cleveland, OH 44106. (216) 388-3308.

Commission on Accreditation for Law Enforcement Agencies, 4242B Chain Bridge Road, Fairfax, VA 22030. (703) 352-4225.

Criminal Justice Center, John Jay College of Criminal Justice, 444 West 56th Street, New York, NY 10019. (212) 247-1600

Criminal Justice & Public Safety Training Center, 3055 Brighton-Henrietta Town Line Road, Rochester, NY 14623-2790. (716) 427-7710.

Criminal Justice Training and Education Center, Attn: Ms. Jeanne L. Klein, 2025 Arlington Avenue, Toledo, OH 43609. (419) 382-5665.

Eastern Kentucky University, Training Resource Center, 105 Stratton Building, Richmond, KY 40475. (606) 522-1155.

Executec Corporation, Advanced Training Programs Division, 7510 Tyler Blvd., Mentor, OH 44060-6404. (216) 942-7360.

Florida Crime Prevention Training Institute, Florida Attorney General's Office, The Capitol, Tallahassee, FL 32399-1060. (904) 487-3712.

Florida Department of Law Enforcement, Organized Crime Institute, P.O. Box 1489, Tallahassee, FL 32302. (904)

488-1340.

Florida Institute for Law Enforcement, St. Petersburg Junior College, P.O. Box 13489, St. Petersburg, FL 33733.

Institute of Police Technology & Management, University of North Florida, 4567 St. John's Bluff Rd. So., Jacksonville, FL 32216

International Association of Chiefs of Police, 13 Firstfield Road, Gaithersburg, MD 20878. (301) 948-0922; (800) 638-4085.

International Association for Hospital Security, P.O. Box 637, Lombard, IL 60148. (312) 953-0990.

International Conference of Police Chaplains, Rte. 6, Box 310, Livingston, TX 77351. (409) 327-2332.

Kent State Police Training Academy, Stockdale Safety Building, Kent, OH 44242. (216) 672-3070.

Narcotic Enforcement Officers Association, P.O. Box 999, Darien, CT 06820. (203) 665-2906.

National Crime Prevention Institute, School of Justice Administration, University of Louisville, Louisville, KY 40292.

National Safety Council, Attn: Ted E. Dudzik, Traffic Safety Specialist, 444 North Michigan Avenue, Chicago, IL 60611. (312) 527-4800.

National Training Center of Polygraph Science, 200 West 57th Street, Suite 1400, New York, NY 10019. (212) 755-5241.

New England Institute of Law Enforcement Management, Babson College, Drawer E, Babson Park, MA 02167.

Pan Am Institute of Public Service, 601 Broad Street, S.E., Gainesville, GA

30501. 1-800-236-4723 (out of state); 1-800-633-6681 (in Georgia).

Police Executive Development Institute (POLEX), The Pennsylvania State University, S159 Human Development Building, University Park, PA 16802. (814) 863-0262.

Police Foundation, Police Liability Assistance Network, Attn: Sheila Bodner, 1001 22nd Street N.W., Washington, D.C. 20037. (202) 833-1460.

John E. Reid & Associates, 250 South Wacker Drive, Suite 1100, Chicago, IL 60606. (312) 876-1600.

Richard W. Kobetz & Associates, North Mountain Pines Training Center, Arcadia Manor, Route Two, Box 100, Berryville, VA 22611. (703) 965-1128 (24-hour desk).

Sam Houston State University, Criminal Justice Center Police Academy, Box 2296, Huntsville, TX 77341.

Southern Police Institute, Attn: Ms. Shirley Beck, University of Louisville, Louisville, KY 40292. (502) 588-6561.

Southwestern Law Enforcement Institute, P.O. Box 707, Richardson, TX 75080. (214) 690-2370.

Traffic Institute, 555 Clark Street, P.O. Box 1409, Evanston, IL 60204.

University of Colorado at Denver, Law Enforcement Executive Program, Attn: George Hagevik, Program Director, 1100 14th Street, Campus Box 133, Denver CO 80202. (303) 556-4840.

University of Miami, School of Continuing Studies, P.O. Box 248006, Coral Gables, FL 33124. (305) 284-4000.

Victimology: An International Journal, 5535 Lee Highway, Arlington, VA 22207. (703) 636-1750.

## Coming up in Law Enforcement News:

**Special Handling — Prompted by incidents gone awry, police agencies are changing training and tactics for responding to situations involving emotionally-disturbed persons.**

**Only in Law Enforcement News**

## Policing's cross to bear:

What the law  
and the police  
are doing —  
should be doing  
in response to  
hate crimes.  
See Page 1.

### Also in this issue:

A home-grown talent takes the helm of the New York State Police, in the person of Supt. Tom Constantine. Even after 25 years he says he still finds the trooper's job 'exhilarating,' and he hasn't forgotten his road-patrol roots now that he's the boss. **See interview, Page 9.**

John Jay College of Criminal Justice/CUNY  
Law Enforcement News  
444 West 56th Street  
New York, NY 10019

NON-PROFIT ORG.  
U.S. POSTAGE  
PAID  
New York, N.Y.  
Permit No. 1302